

U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
BILLFISH AND HIGHLY MIGRATORY SPECIES ADVISORY

PANELS

+ + + + +

JOINT MEETING

+ + + + +

TUESDAY, MARCH 22, 2005

+ + + + +

The meeting came to order at 8:00 a.m. at  
the Holiday Inn, Silver Spring, Maryland.

ADVISORY PANEL ROSTER:

|                  |                                       |
|------------------|---------------------------------------|
| NELSON BEIDEMAN  | Blue Water Fisherman's<br>Association |
| WILLIAM GERENCER | Marine Trade Center                   |
| DEWEY HEMILRIGHT | F/V Tar Baby                          |
| RUSSELL HUDSON   | Directed Shark Fisheries,<br>Inc.     |
| GAIL JOHNSON     | Pocahontas, Inc.                      |
| DON NEHLS        | Lindgren-Pittman, Inc.                |
| PETE MANUEL      |                                       |
| RICHARD RUAIS    | East Coast Tuna Association           |
| PETER WEISS      | General Category Tuna<br>Association  |
| JAMES DONOFRIO   | Recreational Fishing Alliance         |

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| MICHAEL LEECH         | International Game Fishing Association        |
| JOE McBRIDE           | Montauk Boatmen & Captains Association        |
| RUSSELL NELSON        | Nelson Resources Consulting                   |
| MARK SAMPSON          | Ocean City Charter Boat Captain's Association |
| RICHARD B. STONE      |   |
| WILLIAM UTLEY         | Coastal Conservation Association              |
| ROM WHITAKER          | Hatteras Harbor Charter Boats                 |
| SHANA MILLER          |   |
| RAMON BONFIL          | Wildlife Conservation Society                 |
| SONJA FORDHAM         | The Ocean Conservancy                         |
| MERRY CAMHI Ph.D.     | Independent Consultant                        |
| DR. PHIL GOODYEAR     |   |
| DR. ROBERT HUETER     | Center for Shark Research                     |
| DR. JOHN GRAVES       | Virginia Institute of Marine Science          |
| JULIE MORRIS          | Gulf of Mexico Fishery Management Council     |
| BOBBI WALKER          | Gulf of Mexico Fishery Management Council     |
| FRANK BLOUNT          | New England Fishery Management Council        |
| DR. LOUIS DANIELS     | South Atlantic Fishery Management Council     |
| RICKS E. SAVAGE       | Mid-Atlantic Fishery Management Council       |
| ROBERT PRIDE          | eBusiness Solutions, Inc.                     |
| EUGENIO PINELRO-SOLER | Caribbean Fishery Management Council          |
| LARRY SIMPSON         | Gulf States Marine Fisheries Commission       |

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|---------------------|--|
| JOHN V. O'SHEA      | Atlantic State Marine<br>Fisheries Commission        |
| RANDY BLANKENSHIP   | Texas Parks and Wildlife<br>Department               |
| PRESTON P. PATE     | NC Division of Marine<br>Fisheries                   |
| DAVID M. CUPKA      | SC Department of Natural<br>Resources                |
| GLENN ULRICH        | SC Department of Natural<br>Resources                |
| HENRY ANSLEY        | Georgia Coastal Resources<br>Division                |
| HOWARD KING         | Maryland Department of<br>Natural Resources          |
| JACK DEVNEW         | Blue Water Fisherman's<br>Association                |
| WILLIAM ETHERIDGE   | NC Fisheries Association                             |
| PAMELA BASCO        | GFMC Advisory Panel                                  |
| ROBERT F. ZALES, II |  |
| DR. JOHN M. DEAN    | South Atlantic Management<br>Council                 |
| KIM AMENDOLA        | Florida Fish and Wildlife<br>Conservation Commission |

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|  |                 |     |
|--|-----------------|-----|
|  | <u>CONTENTS</u> | 4   |
| Workshops Discussion                                   |                 | 5   |
| Essential Fish Habitat                                 |                 |     |
| • Five-year review and update                          |                 | 44  |
| Comments on Rulemaking                                 |                 | 89  |
| Break for Lunch  |                 | 174 |
| Rebuilding and Preventing Overfishing                  |                 |     |
| • Finetooth Sharks                                     |                 | 198 |
| • Billfish   |                 | 231 |
| Bluefin Tuna Recreational Management<br>and Monitoring |                 | 314 |
| Adjourn  |                 | 351 |

MS. STIRRATT: -- impacts and maintaining our compliance within the BiOp. For the HMS and protected resources identification workshops, the primary purpose of that would be to improve identification of the targeted species, mainly HMS, by-catch, and protected resources by fishermen, dealers, and law-enforcement agents. The alternatives which we have outlined include a no-action alternative, which would basically be to distribute the ID Guides which you all are, I hope, familiar with the hard copy documents, which were submitted last year. I believe every AP member should have a copy of that as well as other material including the placards and videos. Voluntary workshops were also proposed; those could be held at a scientific facility as well as voluntary workshops at one and/or several locations in the regions. These would be selected based upon an area that would be effective for the actual fishery participants as well as dealers and law-enforcement agents to attend.

We have also proposed voluntary interactive web-based tutorials. As we discussed during our last AP meeting, we're investigating various software packages which might allow us to put something up on the web and then have fishery participants, dealers,

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1 and enforcement agents be able to access that via the  
2 web, and that might help reduce some of the costs  
3 associated with travel. And finally, looking at  
4 mandatory workshops in each region: Some of the pros  
5 and cons which we outlined with this particular  
6 workshop category would be that we would have  
7 increased hopeful reporting, better quota monitoring,  
8 stock assessments would be improved; there might be  
9 some economic impacts as I've already mentioned,  
10 related to travel to and from these types of meetings,  
11 but we would probably have a higher compliance rate  
12 with the regulations if folks had a better  
13 understanding of those.

14 The protected resources and by-catch in  
15 commercial HMS fisheries workshop, the primary purpose  
16 of this workshop would be to relay information and  
17 demonstrate techniques for protected resource release,  
18 disentanglement, and resuscitation, in the commercial  
19 fisheries as well as charter head-boat fisheries. The  
20 alternatives that we have outlined include a no-action  
21 alternative, which would basically be again to  
22 distribute the educational materials as well as we  
23 have offered two voluntary-type workshops; one would  
24 be for the shark gillnet fishermen, and the other  
25 would be voluntary for all commercial longline and

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1 shark gillnet fishermen.

2 And additionally we've also offered  
3 voluntary workshops for all of the above which would  
4 include the shark gillnet, commercial longline, as  
5 well as charter head-boat fishermen and/or captains,  
6 and mandatory workshops for all of the above  
7 fishermen, and voluntary workshops for charter head-  
8 boat operations as well. Some of the pros and cons  
9 which are associated with this particular type of  
10 workshop include ecological benefits in reducing  
11 mortality. There are some economic impacts, obviously  
12 if there were mandatory workshops for folks to attend,  
13 as well as BiOp compliance; we need to meet these  
14 requirements in our recent BiOps.

15 And the last type of workshop which we're  
16 proposing would be compliance with an understanding of  
17 HMS regulations. The primary purpose of this type of  
18 workshop would be to provide clear explanation of our  
19 regulations, permits, legislation, protected  
20 resources, consultations, et cetera. The alternatives  
21 which we've outlined include a no-action alternative,  
22 which would again be to distribute information  
23 pertaining to our regulations. As most of you know we  
24 have a number of brochures which were on the back  
25 table; those all specify our existing regulations,

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1 something along those lines would meet this need. The  
2 other alternatives include voluntary workshops for  
3 commercial, recreational, and nongovernmental  
4 organizations, voluntary interactive web-based  
5 tutorials, and then finally a mandatory web-based  
6 option which could be linked to a certificate that  
7 participants in this particular type of workshop would  
8 get as a result of their participation in it.

9 Finally, the pros and cons associated with  
10 this type of workshop include improved communication,  
11 better understanding of our regulations, increased  
12 compliance, and again, if there is any type of travel  
13 to and from these types of meetings, there would  
14 probably be an economic impact associated with that.  
15 Chris, I believe that completes the presentation; so  
16 we'd be happy to obtain any of the AP's comments on  
17 these workshops as outlined in the pre-draft.

18 MODERATOR CHRISTOPHER ROGERS: Okay. Thank  
19 you Heather. Again, some of these workshops are  
20 mandatory as required by the biological opinions,  
21 particularly with respect to protected species'  
22 handling and release. Other aspects could be  
23 voluntary in an effort to improve our outreach and  
24 communication. I know there was some discussion  
25 yesterday about using the website and part of the

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1 permit renewal process to ask questions and get  
2 answers regarding effort and potentially catch things  
3 like that. Also it could be used as a vehicle to  
4 spread the message, so to speak, answer a short quiz  
5 about the HMS regulations as part of the permit  
6 renewal process, not necessarily making it a pass-fail  
7 situation but at least an educational experience. So  
8 there is a lot of aspects of workshops here, some  
9 mandatory and some potentially voluntary, and I'm  
10 certainly interested in hearing the views of the panel  
11 as to the approaches.

12 With respect to the mandatory, I think the  
13 key issues that Heather outlined are exactly, who  
14 needs to be certified: is it an owner, a captain, or  
15 the crew, is it a threshold of individuals onboard the  
16 vessel that would require, is it one individual, those  
17 kinds of questions are very important as we move  
18 forward. So with that we'll open up the discussion.  
19 And why don't we start in this section, since I tended  
20 to look over there yesterday with some of the  
21 newcomers, and we'll go around this way. Nelson  
22 Beideman?

23 MR. BEIDEMAN: Workshops: big, big issue,  
24 but the first thing is appreciation to NOAA and NMFS  
25 for the workshops that have taken place. Ever since

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1 we started the NED, workshops started. Each year we  
2 have workshops for the NED researchers, and then once  
3 the biological opinion came out, we have workshops for  
4 the entire fishery up and down the coast. But these  
5 have basically been initial workshops, and now we're  
6 moving into a certification level workshop. And we  
7 realize that National Marine Fisheries Service cannot  
8 move forward with the mandatory workshops that we feel  
9 are necessary for commercial fishery and certification  
10 until the Amendment 2 process is finalized. But the  
11 BiOp says that our captains have to be certified in  
12 2005. So what the industry is doing is having an  
13 industry-certification level workshop on April the 8th  
14 in Orlando.

15 Now some of the participants in the fishery  
16 have already been to one or two or even more initial  
17 workshops, and those initial workshops matured as they  
18 went on. It's primarily been the fisheries research  
19 institute, ARC (Aquatic Release Conservation) working  
20 with the Southeast Fisheries Science Center and  
21 Pascagoula Lab Gear folks that have put together the  
22 workshops and the training. We will be asking that  
23 those that pass evaluations on April the 8th in  
24 Orlando be given some recognition in the government  
25 certification that's to be forthcoming from this

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1 Amendment 2 process. Also you are going to need to  
2 set up a web based for an ongoing certification as new  
3 captains come into the fishery, et cetera, and maybe  
4 those that have already passed an evaluation to be  
5 streamlined into that final certification evaluation.  
6

7 This fishery is different than all the other  
8 fisheries at the table. Our small boats go out for  
9 like three to five days; our big boats go out for as  
10 many as thirty-forty days at sea. And when they come  
11 in, they're turning back around in three to five days,  
12 for some turnarounds five to seven days for a long  
13 turnaround.

14 We're not on land that much and we just  
15 don't fit into the convenient groups that most of the  
16 HMS fisheries can schedule. We think that workshops  
17 should be held for the most critical of issues because  
18 basically we have to lose fishing time, we have to  
19 perhaps lose a full-month's fishing trip, depending on  
20 the moon cycle, to attend any scheduled meetings.

21 So, we would keep workshops, for at least  
22 this fishery, to absolute critical issues -- which the  
23 Sea Turtle has been -- and we include quite a bit on  
24 protective resources into these trainings. In fact  
25 the careful handling and release tools we're

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1 encouraging not just for Sea Turtles or protected  
2 resources but for all by-catch species that are going  
3 to be released, and to practice on sharks, small  
4 Swordfish, et cetera, so that when you do get the rare  
5 Sea Turtle or marine mammal, that you're prepared to  
6 handle it the most efficiently.

7 On the ID issue, I believe that as far as  
8 this fishery goes, that is primarily a dealer level  
9 issue, it's not a fishing vessel level issue, and it  
10 should be targeted at where the problems lie. I think  
11 other fisheries have more ID problems than what we  
12 have, but this particular fishery, our problem seemed  
13 to be at the dealer level, and perhaps it should be  
14 mandatory for them. I think something that would be  
15 very helpful is to have the new HMS ID required  
16 onboard and also required -- available to permanent  
17 fish dealers; I think that would help.

18 And again, I think it's very important that  
19 we move as quickly as possible into the convenience of  
20 an internet based for ongoing, and that there'll be  
21 some streamlined process or recognition of those that  
22 have already gone through the industry certification  
23 at Orlando. And we've held like a dozen initial, but  
24 this maybe the only industry level certification  
25 during 2005 in order to meet the BiOp requirements.

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1           MODERATOR CHRISTOPHER ROGERS:    Thank you,  
2 Nelson.    Since I saw so many hands, I'll just go  
3 around the table in this direction for this session;  
4 Gail?

5           MS. JOHNSON:  Thanks, Chris, actually all of  
6 what Nelson said, I agree with, but to expand a little  
7 bit more, I think that the Sea Turtle needs to be  
8 mandatory for certification, and I would also like to  
9 see the owners as well as the captains.  I would not  
10 like to see crews; in our case, none of them can come  
11 to the United States.  And I think that's so on some  
12 other vessels too, high-seas vessels.  The owners,  
13 because even though captains don't change very often,  
14 they do at some times, and the owner needs to know  
15 what has to happen and convey it to the captain.

16           In terms of economic impacts with mandatory  
17 workshops, what will happen is because it's one  
18 workshop this year, and we have to go, that means that  
19 a trip is going to be cut short or may be delayed, and  
20 I don't know how -- when you're fishing out of the  
21 U.S. that's okay, but there are -- like our boat is  
22 not in the United States right now, we've got to leave  
23 our boat in a strange place with a crew that we hope  
24 is going to take good care of it.  So that's a  
25 significant impact; I mean it could be.  For the

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1 protected resources and by-catch in commercial HMS  
2 fisheries, most -- because we sell everything that  
3 it's legal to sell, we're quite aware of what the  
4 species ID's are. And anybody who makes their living  
5 from the ocean has got a pretty good idea of the  
6 species. Can't say about sharks, but for the species  
7 that we catch at least. I'm curious why some of  
8 these don't have more charter head-boat, and other  
9 people who catch these species, surely the commercial  
10 hook-and-line isn't the only hook that catches them,  
11 and I wonder how other people, other fisheries deal  
12 with the occasional turtle or the protected species  
13 catch.

14 So at some point everybody who fishes needs  
15 to understand how to deal with these and that's where  
16 I imagine the web-based thing will come in. Also you  
17 need to be able to deal with the change in captain on  
18 commercial boats and eventually on charter boats.  
19 Having the owner explain is one thing, but you need to  
20 be able to have some sort of program where a captain  
21 can go and get certified.

22 SPEAKER: And then train the crew?

23 MS. JOHNSON: Yes, and train the crew. Our  
24 crew, they're not from the United States but they know  
25 exactly what to do; they're on it, if there is a turtle

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1 aboard, they know exactly what to do. The HMS  
2 regulations -- this guide that was on the web and is  
3 out there -- I think that's about as good as you can  
4 do because -- I mean there's lawyers fighting over  
5 what the regulations say and what they mean. So to  
6 expect my husband or me to know exactly what they say,  
7 what they mean, and how they all work together, is  
8 going a little too far. This is good, and we'll let  
9 the lawyers fight about any little other things that  
10 go on at sea. I guess that's it for now, thanks.

11 MODERATOR CHRISTOPHER ROGERS: Okay, thank  
12 you. Going down in this direction, I saw Rom, anybody  
13 before Rom -- Rom Whitaker? Oh, Henry -- Henry  
14 Ansley.

15 MR. ANSLEY: Mine is just real short. I  
16 just wondered, in the educational materials that have  
17 been used, I know that probably this is no idea, but  
18 what about DVDs; putting things on DVDs and sending  
19 them out, like the ID guide and maybe even these  
20 release techniques. I know a lot of boats have DVD  
21 players on them, and that might be a good way, even  
22 under (?) education sometimes, you have a DVD, you go  
23 through it, and then you go in to take the test, and  
24 that's just usually one night. So maybe a DVD would  
25 be a way to go on some of these things?

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1           SPEAKER:   Henry just to respond to that:  
2   with the most recent turtle action, we did go through  
3   the process of putting the safe handling and release  
4   guidelines, all of that was put on to VHS and was  
5   distributed to a number of -- well, everybody in the  
6   pelagic Longline industry. And I would also add that  
7   for that particular fishery, we also ensured that they  
8   were distributed in a variety of languages, not just  
9   English but also in Spanish and Vietnamese. So we do  
10   have the capability of doing that and so we are  
11   looking into that as an option as well.

12           MODERATOR CHRISTOPHER ROGERS:   I believe  
13   those videos are actually posted on the Southeast  
14   Fisheries Science in a website too. I know that it  
15   takes a while to download them, but if you have a  
16   high-speed internet access, it is a pretty convenient  
17   way to get to view some of those streaming videos of  
18   Sea Turtle handling and release. Rom Whitaker?

19           MR. WHITAKER:   Yes, and I'm speaking in  
20   terms of I've fished in the Hatteras area for the last  
21   20 years, probably a 150 days a year. And out of  
22   those 20 years, I've had one Sea Turtle encounter and  
23   one dolphin encounter. And the dolphin; just snagged  
24   it pulling through a school of white-sided dolphins.  
25   So I think it would be -- I really feel like it would

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1 be a waste of NMFS money to make it mandatory for our  
2 industry to attend a workshop when it is such a rare  
3 event of a Sea Turtle or a dolphin. I certainly think  
4 that most of our guys have seen some of the literature  
5 that have been sent on unhooking and reviving the Sea  
6 Turtles, and I think it would be just -- I mean I feel  
7 like that money could be spent much better elsewhere.

8 Thank you.

9 MODERATOR CHRISTOPHER ROGERS: Okay, thank  
10 you, Rom. Bob Pride?

11 MR. PRIDE: Well, I'd like to echo Rom's  
12 comments about the very rare occurrence of interaction  
13 with protected species in recreational HMS fisheries.

14 I've been fishing offshore for about 25 years and  
15 I've never encountered a Sea Turtle in terms of  
16 getting on the end of my hook, and I've hit one  
17 seabird with my boat running at night, and that's it,  
18 no mammals whatsoever.

19 Second comment, on certification: I'm  
20 involved in the computer industry and one of the  
21 problems is always when you have web-based tutorials  
22 and certification, is identifying who the student is.

23 And what we've done in the computer industry is that  
24 the classroom can be on the web, but the actual  
25 certification test is always in person so you can

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1 present an ID. And that's something you're going to  
2 have to think about as to -- if you really want this  
3 certification process to work, you're going to have to  
4 identify your student that gets your certificate.

5 And I'm kind of with Gail: I think maybe  
6 that if you certify the captains and allow them to  
7 train their crew, that might be the best way to go,  
8 because of all the issues and logistics with getting  
9 crew members into a classroom. Thanks.

10 MODERATOR CHRISTOPHER ROGERS: Thank you,  
11 Bob. Next, Bob Zales?

12 MR. ZALES: Well, I'm going to speak kind of  
13 like Rom did. In the Gulf of Mexico in 38 years of  
14 fishing, I've caught one turtle. And on the  
15 recreational and the for-hire side of this thing --  
16 and we just went to this, the Gulf Council meeting a  
17 couple of weeks ago; they are looking at the same  
18 thing in the reef fish fishery. The interactions for  
19 the recreational and the for-hire industry are so  
20 small; it just doesn't seem to be a wise use of the  
21 resources to try to expend the time, money, and effort  
22 to do this.

23 Besides that there is a significant  
24 difference on the gear that we use. The tackle that  
25 I'm using, even when I'm fishing HMS, is generally no

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1 more than a hundred-pound tackle. And when you're  
2 looking at hooking up with a three or four hundred  
3 pound turtle, the odds are, if you get him above the  
4 water, unless you back down on that animal, you're not  
5 going to get him to the boat, you're going to break  
6 that line off. So it's going to be real difficult to  
7 do.

8 And like in reef fish, I'm using 60 and 80  
9 pound tackle. And the one turtle that I caught, which  
10 was I guess probably ten years ago, we spend an hour,  
11 we did not know it was a turtle because that was in a  
12 hundred and fifty feet of water reef fishing for  
13 grouper, and we thought we had one hell of a fish on  
14 there, but when we got him within about 10 to 15 feet  
15 of the surface, we saw what it was, he came up we  
16 backed down, we cut the line off, and he swam on off.

17 So you know, it's just -- we think that you can use  
18 your money much more wisely in some other kind of  
19 educational effort.

20 MODERATOR CHRISTOPHER ROGERS: Thank you.  
21 Bob Hueter?

22 MR. HUETER: Thank you, Chris. First, a  
23 shameless plug: if you decide to go forward with these  
24 workshops, we at Mote Marine Laboratory would be happy  
25 to participate. We have the expertise and facilities;

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1 we could work with Russ Dunn in the southeast region  
2 to help set these up. So, if it is decided to go  
3 forward, especially in the species identification -- I  
4 do emphasize that species identification of sharks is  
5 still a very major problem. And not only the  
6 fishermen and the captains but the port samplers could  
7 use some education.

8 I would just, as sort of an educator I would  
9 question the effectiveness of voluntary workshops.  
10 Like voluntary classes in college, I mean who's going  
11 to come. So it would be nice if there were some kind  
12 of positive incentive system that could be used; I  
13 don't know if such a thing exists or not. But I would  
14 certainly question why we would have a voluntary  
15 workshop for the shark gillnet fishery when you have  
16 five boats involved in that fishery. I mean five  
17 crews, five captains, or less. So at least in that  
18 limited case, it seems like that should be mandatory.

19 But other than that I would search for some more  
20 positive incentives to get these folks to come to  
21 these workshops. Thank you.

22 MODERATOR CHRISTOPHER ROGERS: Thank you,  
23 Bob. With regard to your offer of assistance, would  
24 that be for in-person training situations, or with  
25 production of DVDs and video-type things, or all of

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1 the above, web-based?

2 MR. HUETER: Well, I would say all of the  
3 above. We would certainly be happy to host workshops  
4 onsite, and we do that sort of thing all the time.

5 MODERATOR CHRISTOPHER ROGERS: Yes, okay.

6 MR. HUETER: But, I would say that we would  
7 be interested in all those things. And with the folks  
8 that we have, and having Jose Castro, for example, at  
9 our facility, I mean that is the kind of thing that we  
10 could do, especially obviously for the sharks, but  
11 we'd be happy to work on all HMS. And as I said, I  
12 would be -- I think I talked to Russ just briefly. I  
13 think Russ would be keen to help facilitate that as  
14 well. So at least for the southeast region I'm just  
15 making that offer.

16 MODERATOR CHRISTOPHER ROGERS: Okay, thank  
17 you. Sonja Fordham?

18 MS. FORDHAM: Thank you. Sonja Fordham, the  
19 Ocean Conservancy. I want to echo what Bob just said  
20 and tell you that we'll also make comments in writing  
21 after I get a chance to talk to our mammal and turtle  
22 staff. But I wanted to take this opportunity -- I'm  
23 sorry I missed the presentation; I swear my last  
24 mobile broke down. But I'm assuming that these  
25 workshops would also could or will cover Smalltooth

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1 Sawfish. And I just wanted to draw attention to that  
2 species because around the table people keep talking  
3 about turtles and mammals, and remind people that  
4 Sawfish had been listed under the ESA, and that we're  
5 working on a recovery plan that we hope would be on  
6 draft form later this year.

7 And clearly getting the word out about these  
8 species and preventing their by-catch and by-catch  
9 mortality is really crucial to, literally, survival of  
10 the species and that the scientists estimate that  
11 there are just a few thousand Sawfish left. So  
12 everyone really counts in this case. So we think  
13 workshops are really important; they may come under  
14 the recovery plan, but I think that you have an  
15 opportunity to get a jump on that process and help the  
16 population in the mean time, and also perhaps avoid  
17 the need to duplicate efforts. If we get a jump on  
18 that -- that would be particularly the bottom Longline  
19 and gillnet fisheries, but also recreational fisheries  
20 are catching Sawfish. So I just want to draw  
21 attention to that and thank you for trying; it looks  
22 like you are really incorporating Sawfish into this  
23 pre-draft, so we appreciate that. Thanks.

24 MODERATOR CHRISTOPHER ROGERS: Okay, thank  
25 you, Sonja. Joe McBride?

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1           MR. McBRIDE: Thank you, Chris. A number of  
2 things: some statements first of all, and then to go  
3 along with most of the other charter party boat people  
4 at the hearing here. In 30 years I've never tagged or  
5 encountered a turtle other than to see them as I go  
6 back and forth, and I've seen probably thousands of  
7 them going back and forth in the grounds on a daily  
8 basis. And as Rom said earlier, I probably fish a  
9 hundred and fifty days, both inshore and offshore. A  
10 good 50 percent of my fishing is offshore for Tuna,  
11 sharks, et cetera. The first initial problem last  
12 year I think was mostly turtle by-catch, that was the  
13 big concern. Obviously we've expanded it to get into  
14 other mammals in a greater degree than the original  
15 last year's workshops, and those were mostly turtle  
16 by-catch and methodology to avoid turtle by-catch with  
17 certain types of bait and circle hooks. Is that my  
18 recollection correct, close enough from last year's  
19 meeting?

20           Okay, that's right. Now we've obviously  
21 expanded this, and that's a good thing, but if you are  
22 going to get into other than the turtles, which seems  
23 to be a problem more for the pelagic Longline fleet  
24 than it is for the inshore fleet, just because in the  
25 nature of, like you say the time out there in the

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1 areas that you fish in, that probably attract them for  
2 the same reason they attract your targeted goals. So  
3 my question first for the pelagic Longline fleet: if  
4 we have -- and I remember the story -- two percent to  
5 five percent of the pelagic Longline fleets, do we  
6 really think, let's say for example, a Spanish  
7 Longliner is going to release a turtle that he can  
8 sell back in Spain. I mean as a lay person not being  
9 involved in that industry, and as just not being a  
10 biologist and what have you, somehow I suspect that  
11 some of these foreign fleets are going to conform to  
12 our regulations regarding the adjudication of court  
13 cases, whatever initiated the problems we're trying to  
14 address right now.

15 Now, going into other mammals and other  
16 species and sharks as Sonja and Bob just mentioned,  
17 very important. And someone said, I think facetiously  
18 but I think accurately, that the first persons that  
19 you want to increase their ability to identify  
20 different species including sharks, would be your own  
21 dock surveyors. I mean it's a classic joke that --  
22 because you're taking kids from wherever, you're  
23 assigning them at a per diem or per piece rate and  
24 they just don't know the fisheries for the most part;  
25 that's one. Number two, the one does not show Charter

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1 and Party boat, people who don't know shark A from  
2 shark B or species A from species B; it's your  
3 recreational fishermen who are not addressed here.

4 I mean that these are the people -- and I  
5 don't mean that in any derogatory sense, they are not  
6 on the water enough, it's not their occupation, it's  
7 an avocation, and if they get an unusual species, they  
8 very easily tend to misidentify it, whether it be in  
9 Tuna or whether it be in sharks.

10 And Frank -- next to me here -- Frank Blount  
11 mentioned a training program similar to some sort of a  
12 CD or a DVD would be very helpful, similar to what we  
13 have in some of the areas for safety with putting on  
14 survival gear and the proper procedure. I mean -- and  
15 you could probably there get to everybody one way or  
16 the other whether you sell or distribute that, say,  
17 with your HMS license you give out a DVD on how to  
18 protect these species and how to release these species  
19 and what have you.

20 If you look at our VTR, certainly in our  
21 area and I've tagged and released, I'm going to say  
22 many thousands of sharks over 30 years, and I don't  
23 really see any great problem with identification  
24 amongst the professionals, whether they be commercial,  
25 strictly commercial or charter and party boats. So

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1 you're wasting your resources; I'd much rather see  
2 your resources go into safety. The problems in the  
3 United States commercial fleet safety is a big  
4 problem, and I'd rather see your money going there.  
5 If you had to buy guys safety gear to help them out,  
6 I'd rather see that done than waste your time here,  
7 because you're not going to solve the problem.  
8 Anyhow, if you address the groups you're mentioning in  
9 your workshop proposals, thank you.

10 MODERATOR CHRISTOPHER ROGERS: Thank you,  
11 Joe. Mike Leech?

12 MR. LEECH: I don't know how helpful this  
13 would be, but the IGFA has a program called the IGFA  
14 Certified Captains Program where we need to get  
15 information to professional charter captains to know  
16 for sure that they know IGFA rules and they know the  
17 different programs that IGFA has. In order to do this  
18 at a low cost, we send them out a package of  
19 information and an open book test of 75 questions.  
20 And they have to go through the material in order to  
21 answer the question. So we know at least they've read  
22 enough of the material to answer the question; it  
23 works for us it doesn't cost much money. We have  
24 about 325 certified captains in 35 countries. That  
25 might be one thing to consider, maybe not for turtles,

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1 but some of the other less crucial types of things  
2 where you don't have to actually have them in a room.

3 MODERATOR CHRISTOPHER ROGERS: Thank you.  
4 Would it be possible to get a sample package of the  
5 materials? I'll see if I can pass the test. Okay,  
6 next we have Rusty Hudson?

7 MR. HUDSON: Rusty Hudson, Directed Shark.  
8 Last year the Directed Shark commercial industry wound  
9 up taking a million-dollar gross reduction in  
10 available quota, mostly large coastal shark. The  
11 reason that was given was that we were rolling back  
12 from the ridgeback, non-ridgeback style of  
13 identification, and on the dealer level, and the  
14 fishermen's level was that we did not know what we  
15 were catching; we did not know how to identify what we  
16 were catching.

17 Two of twenty-two species of large coastal,  
18 sandbar and Blacktip account for two-thirds of our  
19 catch. There is another half a dozen sharks such as  
20 hammerheads, tiger sharks, lemon sharks, bull sharks,  
21 all of which we can readily identify at a bow-captain  
22 level, very easily, many years of experience. On the  
23 dealer level we have some problems with many hands  
24 handling carcasses and fins, and then identification  
25 problems when it comes to carcasses being kind of

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1 generically or unidentified, or misidentified on that  
2 level. Because you rely on the dealer reports and you  
3 don't even look at the log books of the fishermen  
4 until a year or two later, it kind of puts us in a  
5 penalized position again.

6 And you're saying that our captains, roughly  
7 65 to 95 vessels, that account for most of the harvest  
8 of the commercial quota, need to be certified, and  
9 I've been asking for a mandatory method to get that  
10 accomplished, so that then we can go to a more species  
11 specific allocation of the quota, which could get us  
12 back to at least '97 quota that we foster vigorously  
13 to wind up having to be saddled with for a while. We  
14 wanted to go back to the '96 quota, which would've  
15 been possible, had you used the species-specific  
16 approach or alternative when you did Amendment 1.

17 But because you're saying that the other 20  
18 species besides sandbar and Blacktip, we do not know  
19 what they are. In some cases Narrowtooth, whale  
20 sharks, basking sharks, we just never catch them;  
21 never have had interactions. You at least did a good  
22 thing last year by taking five of those animals,  
23 including the Galapagos and the Bigeye Sand tiger, and  
24 putting them into an unknown status. Now we are  
25 dealing with the balance of the 22 minus the five that

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1 need to be individually assessed as I said at a  
2 science workshop. And we need to be able to figure  
3 out what is less than one percent of the component,  
4 the rare event animals that some people might  
5 misidentify; a big nose for instance or some other  
6 animals that are just not seen routinely. But overall  
7 our guys target sandbar or Blacktip.

8 So I would say that the faster you can get a  
9 certification done at least on the Directed Shark  
10 captains, to be able to prove what they know, and then  
11 do something on a dealer level so that you can get  
12 more of a species-specific approach. I would say go  
13 to the bottom leg, the fin dealer; that's the man that  
14 has to pay the big bucks that drives the average  
15 volume of these sharks, and if you could do that that  
16 would be good.

17 Now to put on another hat: I've had my 100-  
18 ton captain's license; I've had been involved in head  
19 boat, charter boat fisheries since the early sixties.

20 I think I've seen maybe two or three interactions  
21 with turtles in that entire time; now that's thousands  
22 of days on the ocean doing that. So just to reflect -  
23 - and back to the idea of handling and safe release  
24 methods, anything that makes our guys more environment  
25 friendly is a good thing in my book, any kind of

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1 tools, any kind of techniques, because that way at  
2 least it takes the onus off of our commercial  
3 fisheries.

4 Commercial fisheries, in this nation, only  
5 produces roughly one-fourth of what this nation  
6 consumes. So I think we need to start looking out for  
7 the marginal profit for our business because we're the  
8 only ones that take it in the wallet. As soon as you  
9 make a regulation that may not be in our best  
10 interests, we take it in the wallet in a different way  
11 from any recreational, any environmental stake holder,  
12 any fishery manager. We get economically impacted.

13 The 21 percent Amendment 1 impact work out  
14 to probably over 35 percent when you count various  
15 things that occurred, gluts and different kinds of not  
16 catching the quotas, and places and stuff. We need to  
17 somehow get back to where we can make our industry  
18 solvent, so that they can make a profit again. It's  
19 been several years now, and the way your workshops are  
20 looking, the certifications are looking, the way the  
21 science is looking, you're not going to have anything  
22 for us on a positive sense until 2007 perhaps, and  
23 that's again makes it another couple of years.

24 MODERATOR CHRISTOPHER ROGERS: Okay, thank  
25 you, Rusty. Richard Stone?

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1 MR. STONE: Thank you Chris. One of the  
2 things I would suggest is that you contract with some  
3 of the industry folks to put these workshops on. I  
4 think it's much more meaningful when you're working  
5 with your peers in these kinds of efforts.

6 MODERATOR CHRISTOPHER ROGERS: Dewey, and  
7 then Jim Donofrio.

8 MR. HEMILRIGHT: When you look at species  
9 identification, I think you're kind of barking up the  
10 wrong tree about who's not identifying the species.  
11 If you take a look at different states, you see  
12 unclassified for shark. It should not be unclassified  
13 for shark. If the states can't tell you what the heck  
14 they're landing then you all come up with a  
15 configuration of what their landing based on, this or  
16 that, but you look at the amount of sharks that the  
17 states are landing as unclassified. I'd venture to  
18 say that probably, none of us are perfect but for the  
19 most part of identifying sharks, it isn't the  
20 fisherman. You don't even look at our log books for a  
21 couple of years, so how can you come here and tell us  
22 that we're the problem in identifying the species.  
23 You go look at the SMURF survey, or the Marine  
24 Statistical Survey, about the dusky sharks or the  
25 recreational industry landing in excess of two or

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1 three or four thousands sharks.

2 I mean, do you really think that the  
3 recreational industry is landing that many dusky  
4 sharks, or prohibited species? Because if you did,  
5 you'd do something about it. So obviously you don't  
6 believe it. You look at your identification; sharks  
7 are probably one of the hardest to identify, because a  
8 lot of them look alike. I do applaud you for your  
9 guide, your colorful guide, because it's been kind of  
10 interesting, I have one in my boat looking at it. But  
11 I think you need to go to your states and your  
12 dealers, for there should not be a shark as  
13 unclassified; it should be a minimal amount, not  
14 thousands or thousands of pounds. That's pathetic.

15 As far as the mandatory workshops, I agree  
16 with the different ones that said about working we  
17 somehow, you know, if they say like say, April 15th  
18 you've got to go to a workshop, and there is a chance  
19 to go fishing, more likely you would go fishing,  
20 because of the economic impact that you all have  
21 forced upon us. Mainly your closures and different  
22 things. So give some flexibility there, the best way  
23 possible, because if it comes a chance to make a  
24 dollar versus to come to one of your workshop, I'm  
25 sure probably people would have to go and make the

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1 dollar. But I really looked at your -- some of these  
2 identifications, it'd be neat if the National Marine  
3 Fisheries could come out with the state landings of  
4 sharks, and put it out there, unclassified and stuff  
5 like that, because I don't think it is the fisherman  
6 that's got the problem with identification. It don't  
7 appear with all the data that you have, so I kind of  
8 think it's somewhere else. Thank you.

9 MODERATOR CHRISTOPHER ROGERS: Thank you,  
10 Dewey. Jim Donofrio?

11 MR. DONOFRIO: Thanks, Chris, I agree with  
12 Captain Rom Whitaker's comments. My own experience of  
13 23 years as a charter captain, last ten of it spent  
14 mainly in offshore waters, saw lot of turtles, never  
15 encountered them, never hooked them. I've been  
16 surrounded by schools of marine mammals, particularly  
17 different dolphin types, trawling for Blue Marlin,  
18 never snagged one, never had one come and take a lure.

19 I mean I just think it's a waste of your resources.  
20 I agree with Joe, if you want to send a little  
21 educational piece out to the captains, that's one  
22 thing, but we're at a time now where recreational data  
23 collection is the foremost thing on our screen. We'd  
24 like to see money put into that, so we can get good  
25 numbers, and not educating charter boat captains on

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1 something they never run into. Thank you.

2 MODERATOR CHRISTOPHER ROGERS: Thank you,  
3 Jim. Since we had started with Nelson, we've got two  
4 more over here, and off Glenn, maybe three, then we'll  
5 give a short reply segment, so then we can move on to  
6 our next issue. So Ramon?

7 MR. BONFIL: Thanks Chris. Ramon Bonfil,  
8 Wildlife Conservation Society. It is clear to me that  
9 many of the comments that have been heard here today  
10 are very useful. From my point of view, trying to  
11 force the industry to put all the time necessary for  
12 these four different types of workshops is just too  
13 much of a burden. I think that the way to go is to  
14 prioritize what are the most important of these  
15 workshops and try to see if some of them can be  
16 avoided as a mandatory thing and done in a way in  
17 which interactive through the internet, or through  
18 videos or DVDs. Because definitely as many of the  
19 members of the panel have expressed here, the captains  
20 and crews cannot just spend a whole year attending  
21 workshops. So that's the first point that I wanted to  
22 make.

23 In an effort to try to prioritize these  
24 things, I think, at least from my particular point of  
25 view, the last two workshops, the one on compliance

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1 and understanding of HMS regulations, and probably the  
2 third one, the one on protected resources and by-catch  
3 interactions, probably are the two ones that are more  
4 amenable to be dealt with via videos, DVDs and  
5 interactive ways.

6 In my particular opinion also, the species  
7 identification, particularly one of sharks, is  
8 something that in my experience -- and I've been  
9 dealing with this in several instances, training  
10 personal identifications of sharks -- is not something  
11 that is done efficiently with a guide.

12 The guide that you guys produced is  
13 wonderful; it is a very nice instrument when you know  
14 what the sharks are already, when you already have  
15 previous knowledge. Probably for most of the crews of  
16 the commercial boats, it's going to be very useful.  
17 But as many members here have expressed, how do we  
18 deal with the people inland that are checking these  
19 things and that's another very important point here.

20 I think NMFS has to really identify where  
21 their weak link is: is it the crews, is it the  
22 captains, is it the people who are collecting the data  
23 on shore? And target specifically that group for the  
24 training on species identification. And in my  
25 perspective, this has to be a in-person training for

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1 that target group because it is very, very difficult  
2 to show even with good photographs or with good  
3 videos, what two or three different sharks look like.

4 You have to see them alive -- well, not  
5 alive, they're dead -- but you have to see the  
6 animals, their carcasses and explain the different  
7 characteristics with real examples, not only with just  
8 photographs or nice drawings.

9 So from that point of view I think we could  
10 prioritize things by making the first two workshops,  
11 I'm not saying necessarily mandatory, but in-person,  
12 something that is essentially dealt with by attending.

13 The only thing that worries me a little bit is maybe  
14 just a technical matter of wording in the document for  
15 the second type of workshops, the ones on protective  
16 resources and by-catch interactions. It says at some  
17 point on page 45 that the workshops would likely  
18 include other protected resources.

19 I would like the "likely" to be deleted.  
20 I'm saying -- I mean we need and we want Smalltooth  
21 Swordfish and whales and others to be included in  
22 these workshops. So if these workshops are going to  
23 take place I don't want it that it says like a "Maybe,  
24 if we can we'll deal with the -- these other species."

25 I think turtles are not the only important

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1 species in the by-catch. As Sonja said rightfully, at  
2 least Toothfish is an extremely important species that  
3 has to be addressed. Thank you.

4 MODERATOR CHRISTOPHER ROGERS: Okay. Thank  
5 you. Jack Devnew, and I do note that Shana Beemer has  
6 joined us, or Shana Miller. And she doesn't have a  
7 room at the table as of yet, maybe we can see if we  
8 can squeeze you in. There is a spot up here, but  
9 didn't want to skip over you just because I couldn't  
10 see you. So Jack Devnew, please?

11 MR. DEVNEW: Good morning, Chris, thanks.  
12 Just a couple of observations here with the proposed  
13 workshops. I guess number 1 would be that -- again,  
14 to the extent that the Sea Turtle release and  
15 disentanglement for the Longline fisheries is  
16 mandatory, I would suggest that that be confined to  
17 owners and captains.

18 I think it's very burdensome and with very  
19 little effective required crewmembers to be there. I  
20 would also suggest that there be flexibility retained  
21 in that, so that there's different times available.  
22 Again, as Rusty pointed out and some others, it's  
23 important that when you can make money these days,  
24 that you be able to do that.

25 In fact, I didn't get to mention yesterday

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1 on the objectives but I think one of the objectives  
2 ought to be and it has deal with safety at sea that  
3 Joe also brought up is, if you're going to have a  
4 fishery, it has to be an economically viable and  
5 healthy fishery. It has to provide an opportunity to  
6 reinvest money into the boats, into the gear, into the  
7 safety equipment.

8 We see it all the time in my business is you  
9 have a much higher incidence of injury and death at  
10 sea when you have a financially stressed fishery or  
11 industry. It's a dangerous occupation in the best of  
12 times, with all the best equipment. But when you, --  
13 and it's a fine line but there has to be a sensitivity  
14 to it, okay. There just has to be. You take a look  
15 at -- most people know what happened with the Northern  
16 Edge recently the scalloper that was in the closed  
17 area, okay? The open closed area, okay? It was  
18 actually a mandatory trip into the closed area.

19 And the regulation was such that last year  
20 there was 120 days, about 84 of which were in closed  
21 area trips, mandatory closed area trips, and there was  
22 -- I mean, no poundage restrictions or anything like  
23 that. You had to take those trips, you needed to take  
24 them, the problem was if you came out of the closed  
25 area, you're forfeited the rest of the trip, okay? So

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1 they stayed there. Boat sinks; seven men died.

2 Just recently one of our clients took a --  
3 and they took a trip that spanned the 2004 year with  
4 the 2005 scallop year. They left on February 27th.  
5 They were told that that -- no, the fishery service  
6 has relaxed that rule to allow them in weather, you  
7 know, finally, and then go back in without forfeiting  
8 days. All right? This guy couldn't do that because  
9 he actually left two days before the old year. All  
10 right, takes out the pilothouse window, lucky somebody  
11 didn't get killed, okay? And he -- because he stayed  
12 in the area in bad weather.

13 That doesn't apply necessarily here, but to  
14 the extent that the compendium of regulations require  
15 that you miss good opportunities to maintain a  
16 economically healthy fishery, then that's the kind of  
17 situation that you create. So I would appreciate  
18 Joe's comments and sensitivity to it but -- so I would  
19 caution that you please maintain some flexibility with  
20 that.

21 It certainly seems -- certainly from the  
22 comments around the table that the chartered boats and  
23 the recreational fisheries don't have any appreciable  
24 level of interaction with protected resources and  
25 turtles. However, I have talked with some of the head

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1 boats down in the South and I think that they do have  
2 some and perhaps, instead of a mandatory situation  
3 with them, perhaps invite them to some of the other  
4 workshops that are ongoing and -- so that they can  
5 participate for instance, in you know, the Longline  
6 gear. I mean disentangling a turtle is disentangling  
7 a turtle and it doesn't really matter what particular  
8 venue is offered but perhaps, you know, a little  
9 outreach to them to -- on a voluntary basis. Thank  
10 you.

11 MODERATOR CHRISTOPHER ROGERS: Thank you.  
12 Glenn anything? Shana? Welcome to the table. Just a  
13 few more comments because we want to move into our  
14 next area. So Nelson, Bob -- Nelson, Gail, Bob Pride.

15 MR. BEIDEMAN: A couple of things. First of  
16 all, I appreciate the, you know, charter boat and  
17 recreational, but it's an extremely rare event to  
18 interact with either a Sea Turtle or a marine mammal.

19 In my experience I've interacted with one Sea Turtle  
20 and one marine mammal, both when I was in teenage  
21 while recreational and charter boat fishing.

22 But you need to realize that, for many in  
23 the pelagic Longline fishery; it's the exact same  
24 situation. There are pelagic Longliners that have  
25 fished all their lives and have never interacted with

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1 a marine mammal or have never interacted with a Sea  
2 Turtle. Now, that is getting fewer and fewer as  
3 populations increase. There's more interactions, but  
4 these are endangered species and we do have to take it  
5 very, very seriously.

6 On something that Joe brought up, I think  
7 there's been very little discussion of but it's  
8 actually the most important factor. And we'll try and  
9 get into it more when we talk about circle hooks, but  
10 what's taking place with NOAA fisheries and some of  
11 the regional or international bodies et cetera,  
12 reaching out to international fleets on circle hooks  
13 and careful handling and release is really where it  
14 counts.

15 And there is a very extensive on NOAA  
16 fisheries working with different environmental groups.

17 I know World Wildlife Fund is very much involved than  
18 others, and there's been dozens and dozens of training  
19 workshops, ITTCs. Even they're training in -- if you  
20 give them a J hook, you know, a rusty J hook, any  
21 size, anything, they will give you a brand new circle  
22 hook to use.

23 But that's where it really counts when we  
24 have a solution, and yes, we're adopting it with the 5  
25 percent of effort that we are, but we're reaching out

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1 to that 95 percent of fishing effort in the Atlantic,  
2 that's most important. And it looks like it's got a  
3 real good chance with circle hooks and these turtles.

4 And the wonderful thing about circle hooks is that  
5 the benefit goes across not just turtles and marine  
6 mammals but all species, secondary species that are to  
7 be released. So it's just amazing stuff. And it's  
8 actually making a difference.

9 The third thing is I wanted to encourage  
10 Chris to have some public comment on this, but I know  
11 he's moving hard to -- whenever the public comment is,  
12 perhaps they can also have comment on the workshop  
13 issues.

14 MODERATOR CHRISTOPHER ROGERS: Okay. Thank  
15 you. Yes, we do need to move along, so we have Gail  
16 and Bob Pride, and then what I'll propose is rather  
17 than take a break as we're just getting started, what  
18 we'll do is we'll move up Essential Fish Habitat  
19 before we take a break. And then we'll get into the  
20 time/area closures after the break. So Gail and Bob.

21 MS. JOHNSON: This is just a real quick  
22 question. I keep hearing people taking about either  
23 VTRs or VTIs. What are they?

24 MODERATOR CHRISTOPHER ROGERS: VTRs are the  
25 Northeast Regional Offices, basically vessel -- a

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1 vessel trip report. Okay. Bob Pride?

2 MR. PRIDE: Thank you, Chris. I want to  
3 follow up on what Dewey was talking about. He and I  
4 had a conversation yesterday about how sharks were  
5 landed in Virginia. So I went and looked on the web  
6 last night and got the 2003 report from our mandatory  
7 reporting system. All our commercial fishermen in  
8 Virginia have to report monthly on their catches and  
9 it was kind of interesting.

10 The catch -- this is 2003, which was the  
11 last full year that was on the web. I didn't want to  
12 go through it month by month, but there were 350,000  
13 pounds of sharks caught, other than dogfish sharks.  
14 And of those, 40,000 pounds had a specific species  
15 identification; 40,000 pounds were identified as large  
16 coastal only. In other words, no breakdown on what  
17 kind of species, and 275,000 pounds were identified as  
18 unclassified.

19 So that means that 315,000 pounds out of  
20 350,000 pounds had no species identification. I mean  
21 it's just incredible. And this by the way, Dewey, is  
22 not the fish dealers or the state; this is the  
23 individual fishermen reporting. And I suppose it's  
24 because the state doesn't require the breakdown. And  
25 I'll talk to Travis too (phonetic) when I get back.

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1 Interestingly too, this is just an aside, it doesn't  
2 have much to do with the discussion, but it was  
3 interesting.

4 There were 907,000 pounds of dogfish landed,  
5 unclassified 209, spiny 9300, and then smooth dogs  
6 694,000. I didn't think we had that many in Virginia.

7 But that's another story. Thanks.

8 MODERATOR CHRISTOPHER ROGERS: Okay. Thank  
9 you much for the discussion on workshops, and yes, we  
10 do have a public comment period planned for later this  
11 morning. So we can come back to the workshops again  
12 during that period. So what we -- I'd like to do now  
13 is move into the Essential Fish Habitat discussion,  
14 which we had on the agenda for 10:30.

15 But again, not wanting to take the break at  
16 this point and knowing that the time/area closures  
17 will take a little bit more time to discuss; I thought  
18 we could knock off Essential Fish Habitat first. So  
19 Chris Rilling will give us a presentation on what is  
20 required under Magnuson Act with respect to five-year  
21 review of Essential Fish Habitat. Thanks, Chris.

22 MR. RILLING: Thank you, Chris. Just to go  
23 through some of the requirements of the Magnuson-  
24 Stevenson Act for Essential Fish Habitat. The MSA  
25 defines EFH as habitat necessary for spawning,

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1 breeding, feeding, and growth to maturity. And under  
2 the Magnuson-Stevenson Act, NMFS is required to  
3 identify and describe EFH for all species in the  
4 fishery, identify habitat areas of particular concern,  
5 which are subsets of EFH areas that are particularly  
6 vulnerable to degradation, maybe a rare habitat type,  
7 or are ecologically important.

8 Third component of the MSA requires us to  
9 identify fishing and non-fishing impacts to EFH and to  
10 minimize to the extent practicable impacts of adverse  
11 effects of fishing and non-fishing impacts on EFH.  
12 And then finally, the MSA requires us to conduct a  
13 complete review of all Essential Fish Habitat  
14 information every five years and make updates as  
15 necessary. That is the portion of the Act that we're  
16 currently focusing on in this draft amendment.

17 Just to point out the importance of our  
18 Essential Fish Habitat designations, they're really  
19 one of the few mechanisms that we have to provide  
20 comment on and potentially mitigate such activities  
21 like oil and gas development in the Gulf of Mexico,  
22 for instance. So this is a fairly important thing in  
23 terms of how we identify, describe, and map those  
24 Essential Fish Habitat areas for our species.

25 Just to give you a little bit of background

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1 and history on our EFH, the original EFH descriptions  
2 for HMS were published in the 1999 HMS FMP, that was  
3 for Tuna, Swordfish, and sharks. Billfish EFH areas  
4 were described in Amendment 1 to the Billfish FMP, and  
5 several HAPCs were described for sandbar sharks also  
6 in the original '99 FMP.

7           Additionally, EFH for five shark species,  
8 sandbar, Blacktip, dusky, nurse, and Finetooth were  
9 updated in Amendment 1 to the HMS FMP in 2003. And  
10 currently we're conducting a five-year EFH review for  
11 all remaining Atlantic HMS that weren't updated in  
12 Amendment 1 to the FMP.

13           Our review process is composed of several  
14 different facets. The first is obviously data  
15 collection, and what we're doing is compiling all the  
16 state, federal, and non-governmental data that we can  
17 get our hands on, and this includes, for instance, the  
18 pelagic Longline logbook data, observer program data,  
19 tagging program data, and data from individual  
20 researchers and institutions.

21           The second phase is to take that data and  
22 map and analyze any changes that we can see in the  
23 data from the areas that were originally identified in  
24 1999. In order to do that, we're using a geographic  
25 information system, GIS, plotting all our observed

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1 distribution points from all those different data sets  
2 and overlaying them on the existing 1999 EFH  
3 boundaries. That is what we will be providing in the  
4 draft amendment in addition to any of the textual  
5 descriptions of the Essential Fish Habitat boundaries.

6 And then finally, the last step would be  
7 reviewing all of that information we have. In other  
8 words, looking for areas in which boundaries may have  
9 changed, altered due to migrations, change in habitat  
10 requirements for particular species or life stages, or  
11 perhaps simply new information reflecting that there  
12 may have been changes in where those species are  
13 either spawning, feeding, or being at critical periods  
14 of their life cycle

15 Just to give you an idea of what to look for  
16 when you are reviewing our maps in the draft EIS, here  
17 you have an example of the juvenile Swordfish  
18 distributions. And on the right you can see all of  
19 the different data sources that we relied on and these  
20 are abbreviated, but essentially POP would be Pelagic  
21 Observer Program and these are defined in the draft  
22 amendment that you have, or the pre-draft -- excuse  
23 me.

24 CTS, the Cooperative Tagging System, which  
25 is running by NMFS, at the Southeast Fisheries Science

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1 Center, CST, Cooperative Shark Tagging Program, SCM,  
2 the South Carolina data collection process, SOP, the  
3 Shark Observer Program. And then we've also broken  
4 down the observed distributions by gender. So you see  
5 the number of males and females reported as well as  
6 those for which there may have not been a sex  
7 determination.

8 So plotting these data on maps and  
9 underneath you can see the hashed areas, which  
10 represent the 1999 Essential Fish Habitat boundaries.

11 Juvenile Swordfish is a classic example of where we  
12 are seeing distributions that were not reflected in  
13 the 1999 boundaries, as you can see up along the  
14 northeast coast. So this is one that we would be  
15 looking at in more detail in trying to determine  
16 whether that area is in fact a critical habitat for  
17 either spawning, breeding, feeding, or growth maturity  
18 and whether there is any chance to the boundary that  
19 might be warranted.

20 Similarly, for another example, adult  
21 Swordfish, obviously not as many data points recorded.

22 And again, we are largely dependent upon  
23 distributional data, presence-absence type of  
24 information. One of the deficits in our knowledge and  
25 understanding really has to do with mapping specific

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1 area where that are non-spawning or non-critical  
2 habitat areas for some of these species.

3 So we do tend to rely to a large degree on  
4 distribution data from all the different data sources  
5 that we have available. So here you can see the 1999  
6 EFH boundaries for adult Swordfish overlaid with the  
7 new and old distribution points.

8 Here is the map for the spawning areas for  
9 Swordfish and you'll notice a lack of actual concrete  
10 data points. And again, this is something where we  
11 had to rely on anecdotal information, knowledge about  
12 where critical spawning habitat for some of our HMS  
13 is. And also employing essentially a precautionary  
14 approach to try and capture all those areas that might  
15 be most important to those different life stages.

16 So what we would be looking for at this  
17 point in terms of our data review is additional  
18 information that might confirm the actual locations  
19 for spawning habitat for HMS, additional literature or  
20 anecdotal or scientific information from individual  
21 researchers that would help confirm, or conversely,  
22 help us to either refine or expand those boundaries,  
23 depending on the information that's out there.

24 Continuing with our review what we've done  
25 to this point is consulted with NMFS technical experts

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1 on interpretation of the data that we've mapped thus  
2 far and we're relying on them to help us at least make  
3 an initial determination as to whether any of the  
4 boundaries need to be modified. So at this point in  
5 the draft EIS we will not be proposing alternatives to  
6 actually modify the boundary.

7 Instead, what we are doing is simply  
8 reviewing all of the new information that's been  
9 compiled since the last designations were made in  
10 1999. And based on our review of that information,  
11 trying to come to a conclusion as to whether changes  
12 to the boundaries and descriptions are warranted.

13 If we come to that conclusion in this EIS,  
14 then we would need to follow up with the subsequent  
15 rulemaking or another document to actually modify  
16 those boundaries. And at that point we would be  
17 proposing NEPA alternatives for how to actually  
18 delineate those areas.

19 So it's a slight change from what you are  
20 reading in the draft, the pre-draft at this point  
21 because there we did actually list some alternatives.

22 In addition to looking at boundary modifications, we  
23 will be examining fishing and non-fishing impacts  
24 comprehensively once again. It's a huge undertaking  
25 because we have to look at not only HMS gears but

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1 gears from other FMPs as in federally managed  
2 fisheries as well as state managed fisheries.

3 As you all imagine there are a lot of gears  
4 out there and the good news, at least for HMS or at  
5 least most HMS, is that since our habitats are  
6 primarily delineated in water column areas, pelagic or  
7 epipelagic areas, most of those gears do not have any  
8 significant impacts upon HMS EFH. But nonetheless, we  
9 do have to go through actually documenting what all  
10 those gears are and any potential impacts.

11 Finally, in revising any EFH boundaries, we  
12 may also be looking at habitat areas of particular  
13 concern. We will be looking at potential manipulation  
14 of fishing impacts as well. And changes to those  
15 boundaries might be proposed in a subsequent document  
16 as I mentioned.

17 What we will be looking for from you all at  
18 this point, what we've asked our technical reviewers  
19 is to identify any additional EFH information that  
20 might lead us to conclude that boundaries or  
21 descriptions should be modified.

22 So what we would ask is that you go through  
23 each of the different maps and descriptions once they  
24 are published in the draft EIS and provide us with any  
25 information that you may have or comments on the

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1 necessary modifications to those boundaries. We're  
2 also looking for any additional publications, ongoing  
3 research and any other data that the AP may be aware  
4 of that should be incorporated and considered in this  
5 review.

6 And finally, just the overall bigger  
7 question is to address any gaps in our understanding  
8 of where HMS EFH is and what we can do to fill those  
9 gaps. Thank you.

10 MODERATOR CHRISTOPHER ROGERS: Okay, thank  
11 you, Chris. Let's take comments for about 10 or 15  
12 minutes on this topic unless we need a bit more than  
13 that, but I imagine we can do that then take a break  
14 and then come back to a very similar discussion on  
15 area closures, obviously, to protect species and avoid  
16 by-catch issues but also some relation to Essential  
17 Fish Habitat. So why don't I go down this way this  
18 time, just to be fair and balanced?

19 Again, we will take questions on the  
20 Essential Fish Habitat five-year review. So, Bob  
21 Hueter?

22 MR. HEUTER: Thank you, Chris. Chris,  
23 right? It is Chris, right? Yes. I found your  
24 comment about the value of this for dealing with such  
25 things as oil and gas development to be interesting

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1 and insightful because I think this has been in place  
2 now for five years, I believe. Right? So I think the  
3 perception is that this EFH effort has been very  
4 descriptive and has been a process of data  
5 assimilation but it has not yet been used in any  
6 meaningful way in terms of fisheries management. That  
7 it's cataloguing information to be used in case of  
8 these other interactions with other types of human  
9 activities.

10 Now, you mentioned that the process is  
11 underway though to look at what the impacts are. It  
12 has been five years; could you give us a timetable as  
13 to when EFH will become part of the actual fisheries  
14 management process to look at area closures, time  
15 closures, gear restrictions, and that sort of thing?

16 MR. RILLING: Well, we have incorporated  
17 some of our Essential Fish Habitat information into,  
18 for instance, time/area closure analyses like we did  
19 off of North Carolina for sandbar sharks. So we have  
20 relied on that information, as you will see in the  
21 next presentation regarding time/area closures.  
22 That's clearly one of the key aspects of information  
23 that we're relying upon to identify potential  
24 time/area closures for species like blue and White  
25 Marlin or other HMS.

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1           So I would say that we are incorporating the  
2 EFH information that we have into some of our  
3 management decisions.

4           MR. HEUTER: Can I -- just to follow-up,  
5 would you say that that's being done in an activist  
6 way right now or is it more of a reactive? When you  
7 hear about a problem then you go to the EFH  
8 information?

9           MR. RILLING: Well, in terms of Amendment 1,  
10 it was, I believe, proactive. We've identified an  
11 area that we thought there were impacts going on and  
12 took action to try and to address those impacts. So I  
13 would say in a way it's a combination of both, we do  
14 try to be proactive, obviously. Sometimes we are  
15 reacting to certain events that come along.

16           MODERATOR CHRISTOPHER ROGERS: Bobbi Walker,  
17 welcome back.

18           MS. WALKER: Thank you. Are you going to  
19 address or have you addressed the open loop LNG  
20 terminals in the Gulf of Mexico?

21           MR. RILLING: Yes, we have provided the  
22 Agency, through the southeast regional office, had  
23 provided comments on that project, including the  
24 concerns about HMS eggs and larva being trained and, I  
25 guess you could say, frozen through that process with

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1 an open loop. Those comments had been provided. I  
2 understand the permit was issued for at least one of  
3 the facilities regardless, but we'll have to do some  
4 better work. As Bob Hueter pointed out, it's not just  
5 a data collection or cataloguing exercise; it's  
6 actually looking at ways to apply this in the future.

7 So whether we can come up with better  
8 quantitative models of what eggs and larvae would be  
9 lost to those types of activities. I know that had  
10 been done to some extent for certain other Gulf  
11 species that would be affected by that operation.

12 But we hadn't been in a position of having  
13 enough data or advance modeling techniques in order to  
14 be able to comment in a quantitative sense exactly  
15 what the effects would be from that particular  
16 operation. But as more and more oil and gas  
17 development activities will be undertaken in the Gulf,  
18 it's clearly a situation where we need to do better,  
19 to be able to provide comments in a quantitative sense  
20 to gauge those impacts.

21 MS. WALKER: And it concerned me, Chris,  
22 when I looked at the maps and I saw that the juvenile  
23 Swordfish, I think, are -- it's right in the middle of  
24 the terminal that's already been approved. And now  
25 we've just got to rash of them that are requesting

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1 approval.

2 MODERATOR CHRISTOPHER ROGERS: Okay. Ellen  
3 Peel?

4 MS. PEEL: Chris, do you -- to that same  
5 point in the Gulf; we are hearing quite a bit of  
6 concern expressed by anglers there. Do you -- are  
7 copies of your comments available and -- that you  
8 turned in to -- in response to these proposals?

9 MODERATOR CHRISTOPHER ROGERS: Actually, I  
10 don't have it with me, but the Coast Guard, since they  
11 were issuing the permit, had a very good website,  
12 which -- basically what we call an electronic docket  
13 including all comments received. So I'll make sure  
14 that we get that website for you before you leave and  
15 it's actually something -- a model that I would like  
16 to see the division be able to get to in terms of  
17 posting comments online as they come in along with all  
18 the decision documents.

19 I believe Russ said he has a copy of the  
20 comments with him, so -- but again, that website is a  
21 pretty good model for those that I have seen in the  
22 electronic rulemaking arena. Continuing in this  
23 counterclockwise direction, Rich Ruais on Essential  
24 Fish Habitat. Your mike working yet? I don't know if  
25 we --

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(Tape interruption.)

MR. RUAIS: -- Mexico considered fish habitat for Bluefin Tuna spawning there. Is it in another document and I'm just missing it?

MR. RILLING: Yes, in the pre-draft we only provided the map for the three different Swordfish life stages that we're looking at, but we will be providing all of the HMS species maps and EFH descriptions in the draft EIS. So it was in the original 1999 HMS FMP. And it is identified as EFH in the Gulf of Mexico.

MR. RUAIS: Okay. Thank you. And the second part is what kinds of information would you need to modify the boundaries to make the Gulf of Maine Essential Fish Habitat for Bluefin Tuna for feeding purposes, to stop industrialized forage fishing?

MR. RILLING: Well, obviously we'd want as much data as we can, not just observed distributions, but additional information regarding that particular facet of Bluefin Tuna biology. So we would be looking for any scientific publications, literature, and obviously, input from you all or our technical experts in Bluefin Tuna biology.

MODERATOR CHRISTOPHER ROGERS: Yes,

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1 certainly we'll include the materials that were  
2 presented at the Maine Fishermen's Forum; things like  
3 the stomach contents showing the portion of -- or  
4 frequency of occurrence of herring as the forage base,  
5 things like that, as well as some of the oceanographic  
6 information that might be useful in explaining and  
7 describing the EFH as opposed to just a  
8 presence/absence, because obviously that would be  
9 limited by your observer program if the observed sets  
10 aren't taking into account the full range or something  
11 like that. So you really do need to reach beyond  
12 things like log books and observer reports.

13 Just a quick backtrack, we'll go clockwise  
14 for a second. Louis Daniel?

15 MR. DANIEL: I'm sorry. I got my clockwise  
16 and my counterclockwise mixed up. How do you rank  
17 HAPCs? I notice that, for example, the HAPC for  
18 sandbar sharks occurs off North Carolina, Virginia,  
19 Maryland, and New Jersey. How do you rank the  
20 importance of an HAPC, to close one and not another?

21 MR. RILLING: I wouldn't say that we rank  
22 one area higher than another. I think what we were  
23 looking at in terms of North Carolina is a confluence  
24 of different factors; observed catches of juvenile  
25 sandbar sharks, catches of prohibited dusky sharks as

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1 well as the HAPC areas. I wouldn't say that we  
2 actually rank the different areas. I would think they  
3 all play a more or less equal role.

4 MR. DANIEL: Does that not just contradict  
5 what you just described? I mean, if the  
6 characteristics that make the area off of North  
7 Carolina an HAPC are those combined factors, it would  
8 seem like those same factors would exist in other  
9 HAPCs or else they wouldn't be HAPCs for sandbar  
10 sharks.

11 MR. RILLING: Well, that's correct. But I'm  
12 assuming you're asking the question with regard to the  
13 implementation of the time/area closure. So we didn't  
14 obviously implement time/area closures for the other  
15 HAPC areas largely because they were in state waters,  
16 largely because we didn't have the additional  
17 information that we had off of North Carolina. So  
18 that's what I was trying to say.

19 But in terms of the actual identification of  
20 HAPC areas, we didn't go through a ranking process in  
21 determining the three different areas. They were  
22 simply based upon biological characteristics of the  
23 species within that area. Now, they do rank higher  
24 obviously than the Essential Fish Habitat areas, if  
25 that's what your question is.

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1           So HAPCs are essentially subsets of  
2   Essential Fish Habitat areas that meet the  
3   requirements that I outlined at the beginning of my  
4   talk.

5           MODERATOR CHRISTOPHER ROGERS: Looks like  
6   there is a -- more request for backtrack. Why don't  
7   we go back to the counterclockwise? And then we'll  
8   catch you up on the counterclockwise rotation. I  
9   believe Ken Hinman was next.

10          MR. HINMAN: Okay. Thank you, Chris, and  
11   the other Chris. First of all, I will second Rich's  
12   recommendation about -- I think it's a good  
13   recommendation that the availability of critical  
14   forage on, you know, in time and space be considered  
15   for possible designation as EFH or HAPC or that kind  
16   of thing. I think it's definitely worth looking at.

17          I think there are some current situations  
18   where you could begin. My real comment is about -- it  
19   has always bothered me since 1999 that the  
20   designations of EFH for HMS have -- the boundaries  
21   have ended at the EEZ, and I guess this was some NOAA  
22   General Council decision.

23          But it seems to me in a document for  
24   Atlantic highly migratory species, which goes to great  
25   lengths describing and recognizing the broad range of

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1 these fish and the fishing activities throughout the  
2 Atlantic and the fishing mortality that goes on beyond  
3 the EEZ.

4 And the fact that a lot of this is really to  
5 build a case for us taking, building a strategy for  
6 getting international cooperation to conserve highly  
7 migratory species, that our identification designation  
8 of EFH for these species should extend beyond EFA,  
9 beyond the EEZ. There's too many goddamn acronyms in  
10 my -- you could make a whole sentence with just  
11 acronyms.

12 But I think, yes, I think that's really  
13 something. I don't know what the legal basis for that  
14 was, but it seems to me that we should really be  
15 looking at critical spawning areas for Blue Marlin,  
16 for example, or nursery areas for Swordfish, that we  
17 shouldn't just stop at the boundary. We should look  
18 at where they are.

19 Our boats fish beyond our EEZ and we know  
20 most of the fishing mortality for a lot of these fish  
21 takes place beyond that. So I think it's something  
22 that's important to be in this document so we can  
23 build an international case for protecting areas that  
24 are important to the fish or fishing boat. Thank you.

25 MODERATOR CHRISTOPHER ROGERS: Thank you,

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1 Ken. Yes, that is important and certainly part of our  
2 strategies at ICCAT in dealing with protected areas or  
3 closed areas on an international basis. And we will  
4 see what acronym we could coin to talk about EFH  
5 beyond the EEZ and use that appropriately in the  
6 document. Nelson and Ramon -- or Nelson, Glenn, Jack,  
7 Ramon.

8 MR. BEIDEMAN: Yes, that's Blue Water's  
9 primary comment as well, is that we need to remember  
10 that these highly migratories have to be managed  
11 internationally, and to build up the information on  
12 the international, even more important than EEZ. But  
13 also one other thing is that as we build up this  
14 information until we have all the information to look  
15 at, we have to be careful not to jump to -- well, this  
16 is the primary spawning area, because what we're  
17 identifying is that spawning is taking place in this  
18 area.

19 But it may not be the most intense spawning  
20 activity that's observed when you talk Atlantic-wide.

21 It may be by our fleet, in our experience, but it  
22 still doesn't take in the full picture, and until that  
23 picture is built for a highly migratory species, then  
24 we shouldn't make too many assumptions.

25 MODERATOR CHRISTOPHER ROGERS: Thank you,

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1 Nelson. That is a good point, that we may identify  
2 significant areas within our EEZ, but they may not be  
3 the more significant areas. And we would need to  
4 pursue those internationally. Glenn Delaney?

5 MR. DELANEY: Yes, a couple of things.  
6 First, I think it's intriguing to look at the forage  
7 issue in an area that is of critical importance for  
8 feeding of a highly migratory species to be designated  
9 as Essential Fish Habitat for the forage side of the  
10 argument, but I think you have to be a little cautious  
11 also in getting -- falling into a trap that if that  
12 area is Essential Fish Habitat for the feeding of a  
13 highly migratory species, it would presumably or  
14 conceivably apply both to the forage and the predator.

15 And so you might want to think about where that line  
16 is taking you. The act of feeding -- I mean we fish  
17 where fish feed, so think about that.

18 Second question is -- well, I have three.  
19 One is -- I guess, a statement more -- that I'm a  
20 little concerned on the one hand that we're still in  
21 this Essential Fish Habitat trap, and maybe it's  
22 because Congress and the administration hasn't -- is  
23 yet to really modify the statute on this. But we're  
24 still falling into the trap that the mere existence or  
25 presence of eggs, larvae, juveniles, and adults

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1 defines Essential Fish Habitat. And, you know, for a  
2 highly migratory species that takes the absurdity of  
3 that to the extreme, because we have, you know, we  
4 have a Gulf Stream, for example, that's just bursting  
5 larvae. I mean that's larvae soup out there for every  
6 highly migratory species there is.

7 And that tends to distribute those fairly  
8 broadly. But on the other hand it's hard to imagine  
9 most pelagic-style gear or trawling gear to really  
10 have much impact on the habitat itself. Question is,  
11 you know, at what point do you cross over into  
12 defining the habitat as the creature itself, the  
13 existence or presence of the creature itself? And  
14 that seems to be what you're getting at here, and  
15 that's a concern.

16 And the last thing is Magnuson Act is likely  
17 to be amended in this Congress, Essential Fish Habitat  
18 and habitat, areas of particular concern definitions,  
19 and how it's going to be used in this process. It's  
20 likely to be altered, if not somewhat dramatically,  
21 and this may be something proposed by the  
22 administration itself. We're waiting to see what you  
23 guys propose to Congress in terms of Magnuson Act  
24 reauthorization amendments.

25 I think they're holding off until after this

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1 conference later this week to do that. Certainly the  
2 Senate has indicated a desire to work with us in the  
3 House as well, and really focus on Essential Fish  
4 Habitat. So I don't know what you do, but we could go  
5 through this whole process, end up with a result in,  
6 you know, a very short time, after which the whole  
7 statutory basis for what you just did is changed.

8 And I don't know if that forces Amendment 3  
9 or -- so you might want to keep that in mind. It's  
10 not that you can differ or not follow your  
11 responsibilities under the statute, but it seems  
12 almost a silly exercise if it's all going to have to  
13 be redone six months later.

14 MODERATOR CHRISTOPHER ROGERS: Well, as  
15 Chris pointed out, this is only phase 1 of our five-  
16 year review. So we would anticipate that should  
17 Congress act swiftly, we would be able to incorporate  
18 that new baseline or basis for evaluation in the phase  
19 2 of our Essential Fish Habitat review. Jack Devnew?

20 MR. DEVNEW: Thanks, Chris. I find myself  
21 agreeing with all of the previous speakers basically,  
22 and, you know, in particular, Ken's comments as well  
23 as Nelson's and Glenn's here. Congress in its wisdom  
24 excluded highly migratory species from exclusive  
25 jurisdiction of the United States when the Act was

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1 established.

2 I think actually what we're -- you know, and  
3 as part of that whole Act, we have this element of it,  
4 which is this discussion on the Essential Fish  
5 Habitat. Actually, I would say that in the absence of  
6 creating your charts, that you have posted up here and  
7 are contained in here, if you do not take into account  
8 the entire range of a species, it is a totally  
9 inappropriate chart to be included in there.

10 What you're doing is taking a snapshot of a  
11 small portion of the range of that thing and creating  
12 an inordinate amount of importance to that area and  
13 discounting the rest of the range of that species.  
14 What that leads to is a total misconception in the  
15 eyes of the reader, the person that's going to be --

16 (Tape interruption)

17 MR. DEVNEW: -- This is from the esophagus  
18 or stomach and potentially leaving a hole there or a  
19 rip in the tissue, or leaving that hook in. As you  
20 can see on the slides, well maybe you can't tell the  
21 relative size of some of those hooks but -- I mean I  
22 guess the fisherman who are familiar with it will  
23 know, but they're, you know, about that big. So, if  
24 that's stuck in your throat, that's not going to be  
25 that great either. So, the biologists are discussing

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1 it to figure out what would be best and --

2 SPEAKER: As a --

3 MR. DEVNEW: Provide further guidance.

4 SPEAKER: Okay, as a further note, the J  
5 hooks of course appear smaller than they used to a  
6 decade or two ago I guess. That's just my assumption  
7 based on my knowledge of the circle hooks and stuff  
8 like that. But, I'm just wondering overall what's  
9 your message about using dehooking devices from what  
10 you have seen so far; is it -- seems to be fairly  
11 successful, looks like you removed almost all the  
12 external hooks?

13 MR. DEVNEW: The devices that we have have  
14 been very successful so far, I would say. The only  
15 aspect where we would need more work is on the  
16 ingested hooks; those are the most difficult to get  
17 out. But prior to this, it was almost impossible to  
18 get the hooks off or a lot of the gear off some of  
19 these turtles when they are in the water. Through  
20 some of this work and some of the fishermen's own  
21 efforts prior to that, they were using these poles to  
22 try to, you know, cut some of the line around the  
23 flipper and release it with less gear.

24 Until this year we didn't really have a

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1 successful way of getting a lot of the hooks out from  
2 turtles in the water or even some on the boats. So  
3 this data shows a fairly significant increase in the  
4 amount of hooks and gear removed from the turtles,  
5 which we feel is a positive step in improving their  
6 release, decrease in their post-release mortality.

7 SPEAKER: So part of the turtles, you did  
8 both, probably the smaller ones, but you had a pretty  
9 decent success rate of dealing with the bigger  
10 animals in the water then, is what you're saying?

11 MR. DEVNEW: Yes. Did you want to speak to  
12 the hook question?

13 SPEAKER: The hook is 2 1/8th inch wide,  
14 which has a significance in relation to the size --  
15 loggerhead turtles that we interact with: 2 1/8th  
16 inch wide.

17 MODERATOR CHRISTOPHER ROGERS: Bob  
18 McAuliffe?

19 MR. McAULIFFE: This is a little of the  
20 subject but has anybody tried that dehooking device  
21 on a human; on one of the fishermen?

22 SPEAKER: I don't think that would go over  
23 well though.

24 SPEAKER: Well, we'll consider that in the

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1 core report.

2 MR. McAULIFFE: Actually, it's not that  
3 farfetched, because they've actually removed hooks,  
4 veterinarians, out of birds and things like that, so  
5 if a person hooked themselves --

6 MODERATOR CHRISTOPHER ROGERS: Let's hope  
7 that it wasn't deeply ingested.

8 MR. DEVNEW: This technology they have for  
9 dehooking these turtles is also effective for large  
10 finfish, you know, like marlins or tunas or stuff  
11 like that. You probably wouldn't need the pole-  
12 mounted ones, but some of these hand-mounted ones in  
13 the bottom picture, they're saying they're very  
14 effective for getting hooks out of finfish.

15 MODERATOR CHRISTOPHER ROGERS: And Sonja?

16 SPEAKER: Well, to facilitate getting hooks  
17 out of myself and to release fish quicker, whether  
18 they are going in an igloo or overboard, I've  
19 squished all the barbs off my hooks and haven't  
20 missed catching any fish. I wonder if the industry  
21 has tried removing barbs from hooks; whether they  
22 still catch fish or not, I don't know.

23 MS. FORDHAM: Sonja Fordham, the Ocean  
24 Conservancy. I have to admit, the pie charts, I

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1 can't read up there or in front of me, so I hope I'm  
2 not missing any bad news. But I just wanted to say,  
3 I'm -- obviously, this is really exciting and  
4 encouraging news. And I think clearly NMFS and the  
5 researchers and the Longline industry should be  
6 commended. And you may know, we have a sea turtle  
7 scientist working at our organization, Marydele  
8 Donnelly; I haven't been able to talk to her, she's  
9 at the Seattle meeting.

10 But I know that she's expressed real  
11 interest and hope about this study so, I would send  
12 that forward. And we're both interested in helping  
13 to promote such changes with other fleets from other  
14 nations. And to that end, the Committee on Fisheries  
15 at the FAO is meeting in a week or two. And I think  
16 that's the environmental community, or my  
17 organization is interested in working, not just  
18 international NGOs, but also the fishing industry to  
19 promote these -- this kind of work. And so I would  
20 encourage any specific suggestions on how we might do  
21 that. And I know that turtles are going to be on the  
22 agenda at COFI, and I don't think we're all committed  
23 to this idea of an international plan of action for  
24 turtles for a variety of reasons, but that we are

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1 interested in FAO having a role, and this might be  
2 right up that alley.

3 So I would encourage anyone with any  
4 specific suggestions on what we might try to get out  
5 of this COFI meeting to talk to -- directly to either  
6 me or Justin LeBlanc (phonetic) is the industry rep,  
7 or of course the National Marine Fisheries Service of  
8 the State Department, thank you.

9 SPEAKER: I thought it was very interesting  
10 and appears to have made some progress, and I'm  
11 wondering, translating it into the real world, are  
12 any of these changes going to be now required of the,  
13 at least the U.S. fleet to begin with and then  
14 hopefully try to negotiate with ICCAT to get them  
15 beyond the fleet. Otherwise if you don't translate  
16 it to the real world and put it to use, all it is is  
17 an interesting science project.

18 MR. DEVNEW: The experiment was approved  
19 for a three-year duration, and we've just completed  
20 the second year, so, I would say that we have good  
21 indication that some of these measures are very  
22 effective, and in order to reopen the NED area to the  
23 Longline fleet, we have to implement a measure that -  
24 - or measures that would reduce mortality by 55

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1 percent. So it is our intention to go forward with  
2 the measures that are effective and try to have that  
3 area reopened by 2004, which would be -- well, the  
4 experiment would end in 2003, so that's our tentative  
5 target date.

6 And as for the international aspects, that  
7 is a significant factor and focus of this experiment.

8 As Bill Hogarth mentioned earlier, there's a meeting  
9 in Seattle that's going on right now where the  
10 National Marine Fisheries Service provided travel  
11 funds for scientists from some Asian countries and  
12 some European countries to attend with the specific  
13 focus of trying to transfer some of this technology,  
14 or at least encourage some similar research efforts  
15 in those countries. So I'm not sure --

16 SPEAKER: Certain elements are already  
17 required.

18 MR. DEVNEW: Oh, right. Certain elements  
19 like dip nets and line cutters are already required  
20 on the Longline fleet as well as handling and release  
21 guidelines that are posted in the wheelhouse. So,  
22 we're slowly making progress.

23 MS. GRAY: Thank you, Charlotte Gray from  
24 Oceana. Well, I am very encouraged by the numbers on

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1 this sheet. I do have some questions, and I'm not  
2 sure actually if Tyson (phonetic) or Nelson might be  
3 able to answer at least the first one more easily.  
4 But as for the zero offset or no offset -- I just  
5 wanted to -- I'm assuming circle hook -- was that the  
6 same size hook that was used in the Azores,  
7 (phonetic) study two years ago?

8 MR. BEIDEMAN: Not two years ago, but the  
9 Azores did look at the 180, in 2002.

10 MS. GRAY: Excuse me, yes, 2002. Because  
11 it was fairly dramatic, at least on this -- in this  
12 chart, and I'm not sure. Of course, I'd have to; I  
13 think they might've been using squid in the Azores  
14 study too that, it seems that in 80, at least -- and  
15 I realized the most important thing here is the  
16 offset, but just for comparison's sake, if there is  
17 an 87 percent reduction from the non offset or the  
18 straight circle hook in the NED, but yet I believe in  
19 the Azores study there was no significant difference  
20 when they were using the circle hook.

21 It tends to reason that there -- these  
22 studies may be in conflict, not seen as it -- 87 is a  
23 pretty dramatic reduction in catch rate. And if the  
24 idea is to export gear technologies if it works in

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1 the NED, and this is actually a true number that it  
2 does work, and it doesn't work in the Azores, I think  
3 that's worth looking at. Because I would be, you  
4 know, I think that, I think that we need to be  
5 careful that we don't quick jump to conclusions that  
6 "Yay, we found the fix-all" when we may not have  
7 found the fix-all. And I would just put that out in  
8 front of everybody and the agency to keep in mind  
9 these different analyses. And I don't know if  
10 anybody wants to respond to that.

11 But then my second question is, in the  
12 beginning -- maybe I missed in the presentation --  
13 you talked about reducing daylight soak hook time,  
14 and I didn't -- I don't know if those results are  
15 presented here and I missed them or was there a --  
16 was that included in the hooks? I mean, was it just  
17 that that was -- the soak time was decreased for all  
18 of the control and everything, or was that actually  
19 analyzed too?

20 MR. DEVNEW: The soak time -- well, I guess  
21 I'll answer them backwards, or I'll answer one and  
22 pass it back to Nelson. But with regard to the soak  
23 time that wasn't incorporated in that data, the  
24 statistician working on it kind of teased it out.

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1 Basically for those results it was found to support  
2 what was discovered in 2001, that it did have a  
3 significant reduction in loggerheads but there was no  
4 impact on leatherback turtles.

5 So I didn't really present that data; I was  
6 trying to keep it short and focus on some of the more  
7 effective measures. But with that there are also  
8 some other problems such as possible danger to some  
9 of the fishermen because they increase the haul back  
10 times of the gear. So it's hard to say what other  
11 impacts that might have, so I didn't touch upon it.  
12 And I don't think it's going to be a viable option.  
13 But for some of the differences with the Azores  
14 study, I was going to let Nelson speak to some of the  
15 Pelagic Longline differences or --

16 MR. BEIDEMAN: The sample sizes in the  
17 Azores there, as far as I've heard, is only one boat  
18 and a very small. Plus we've never seen any  
19 confidence intervals from the Azores analysis. You  
20 know, National Marine Fisheries Service has been  
21 very, very careful in this program that every step of  
22 the way is absolutely tight, dependable; the person  
23 that analyses the data is independent.

24 Marvin Schall (phonetic) he's from the

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1 pharmaceutical industry. And, you know, we've been  
2 able to maintain the 95 percent confidence, well,  
3 because of the sample sizes et cetera. One of the  
4 things that hasn't been yet tested that probably  
5 should be, but we can't test everything, you know,  
6 you can only test so many treatments a, you know, a  
7 year; it is an opposite offset. And the offset that  
8 we're working with, 10 degree offset is very slight,  
9 and it's primarily, you know, to facilitate the  
10 debating, but, you know, by the numbers you can see  
11 that the offset actually had greater reductions.

12 MS. GRAY: Can I just conclude? I  
13 appreciate that, and knowing these differences is  
14 definitely important. But I just again want to  
15 reiterate; and I don't at all call into question the  
16 study that happened in the NED. I think that was a  
17 fabulous cooperation, I think the researchers and  
18 observer coverage; I think that was a really good  
19 example of how we should proceed. But I also know  
20 that this is one year of data, and again this is a  
21 long term problem, and it is a worldwide problem, and  
22 so before we jump in the sack and start exporting  
23 technologies and reopening areas that are clearly  
24 important, you know, I just think we need to take all

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1 that into consideration. Thanks.

2 MODERATOR CHRISTOPHER ROGERS: Nelson and  
3 then Glenn Delaney.

4 MR. BEIDEMAN: Just a quick comment. In  
5 2003, we're looking to further replicate some of  
6 these studies to make it more robust. We're removing  
7 -- well, we're -- it's still being planned, but  
8 tentatively we're planning on removing the daylight  
9 soak time restriction to allow the fishermen to fish  
10 more like they did previously and maintaining some of  
11 the experimental measures to sort of validate that  
12 these reductions are real and that they are  
13 significant and that they are -- that they will meet  
14 the 55 percent biological opinion stipulation.

15 MR. DELANEY: Yes, on that issue, our  
16 mandate is 55 percent; to demonstrate 55 percent  
17 reduction in mortality. What you see up there is up  
18 to a 92 percent, and that's just in reductions in  
19 interactions. The mitigation tools are, you know,  
20 tremendously important and ever evolving, and there's  
21 a knack, you know, to getting the hooks out, and  
22 getting the gear off. And we've all been working  
23 tremendously together to, you know, learn those  
24 things.

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1           And that's all benefits in addition to the  
2 avoidance of you know, reductions in their  
3 interactions. But we've learned so much in doing  
4 this program with the National Marine Fisheries  
5 Service, both the policy people and the researchers.

6       It has been a tremendous experience for us and I  
7 believe, vice versa.

8           One thing led to another, to another to  
9 another, and it's still leading. What we've done  
10 thus far is pretty much a swordfish directed  
11 protocol. And it looks like, you know, if we can  
12 match, you know, the results for a second year that,  
13 you know, we'll have something there. There's a lot  
14 more work that needs to be done. About 80 percent of  
15 the global Pelagic Longline fishing is tuna directed.

16       Some of what we've learned already can be  
17 transferred directly to sword-directed fisheries, if  
18 it proves out. Some of what we've learned already  
19 can be transferred to tuna-directed protocols, or  
20 research on tuna-directed protocols.

21           It's little bit of a tougher question but,  
22 you know, we're already, now starting to get there.  
23 As far as the 55, and the closure, Industry has set  
24 its priority at focusing on the third year research.

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1 And once we get the third year research, you know,  
2 if we have any brain cells left we'll think about,  
3 you know, -- we've already met the mandate in the  
4 BiOp. But our first priority is the third year  
5 research.

6 As far as that -- you know, there's other  
7 things that we probably won't be able to accomplish  
8 because there just simply isn't the money for it.  
9 And you know, survivability -- post-hooking  
10 survivability is very important. In order to move  
11 this into the international arena we need to have  
12 some of that baseline information. I wish we all  
13 could put some of that research dollars into that  
14 rather than all the lawyer stuff. This year we'll  
15 also include hooking timers and time depth recorder  
16 devices that -- you know, we've pretty much had that  
17 -- manufactured it you know, for the task.

18 As far as COFI and suggestions, I've got a  
19 couple. We need these swordfish directed protocols  
20 tested in other areas. And it's not just these  
21 protocols, it's the awareness, it's the leaded  
22 swivel, it's about 10 percent longer than a ball-  
23 drop, you know, it's a combination of -- it's a  
24 toolbox of things. And to have these all tested in

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1 another swordfish directed fisheries as quickly as  
2 possible, would be a real big help.

3 Also, I think that, you know, we've got  
4 enough under our belt that this year for the ICCAT  
5 meeting, and this year for the IATTC meeting, where,  
6 you know, most of all, the Pelagic Longline fisheries  
7 in both oceans, you know, will be, I think we should  
8 have an information brochure, a nice colorful little  
9 pickup, you know, to begin showing some of these  
10 results and encouraging, you know, other fleets to  
11 start testing some of these things. It looks  
12 promising, it feels promising. We still have a long  
13 ways to go.

14 Some of what we're learning, you know, will  
15 be able to be transferred to other species, but it's  
16 going to take a lot. And it's a whole new realm for  
17 us, and we hope that we can all continue to work  
18 together. It's been a very positive experience.

19 SPEAKER: I'm sure Nelson said just about  
20 everything I could say, but I do want to say that I  
21 just attended a workshop two or three days down in  
22 Miami where this was discussed in very, very great  
23 detail. And it's a shame you weren't able to attend,  
24 because I think you better -- have a much better

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1 feeling for just how extraordinary this science is.  
2 It's one of the -- you know, it has some of the  
3 greatest integrity, and attention to detail that I've  
4 ever seen, and certainly represents an  
5 extraordinary example of how this agency can once  
6 again begin to apply science to solving, you know,  
7 real world problems. And it's a great reflection of  
8 the current leadership of the agency and we're very  
9 grateful for that.

10 On the international front, I just want to  
11 reiterate Nelson's comment that in order for us to  
12 export this to the 95 or 96 percent of effort that's  
13 out there, we're going to have to first define for  
14 them that there is indeed a problem, that there is  
15 mortality from Longline interactions. And we skipped  
16 over that in the United States, because we have the  
17 Endangered Species Act, and you know, there is a  
18 presumption of guilt that until proved otherwise,  
19 you're stuck with. They don't have that or anything  
20 close to it.

21 And so for us to be able -- you know, as a  
22 negotiator, I'm not suggesting I would be one to  
23 that. But anyone who would have to negotiate any  
24 kind of international obligations or even voluntary

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1 agreements is first going to have to cross the bridge  
2 of defining the problem. And so, post-release  
3 mortality science is in my opinion, I anticipate,  
4 central to being able to even move to the point of  
5 discussion of, okay what are the solutions to that  
6 problem, and if you use this type of gear, and this  
7 type of hook, and this size of hook, and this type of  
8 bait and, you know, daylight and all that; all the  
9 different pieces of the toolbox Nelson mentioned.  
10 And we're -- you're not even going to get to that  
11 discussion until you first define that there is  
12 indeed a problem that they should feel bad about at  
13 least. And maybe obligate themselves to a solution.

14 Again, I reiterate that as I did down in Miami.

15 MR. DEVNEW: You know, thanks, Chris.  
16 Without going on, you know, any further, I certainly  
17 support the statements made around the table as to  
18 the positiveness of this effort here, and echo Glenn  
19 and Nelson's statements too. I do have one quick  
20 comment on the offset hook, and I don't know if it's  
21 worth looking at, but it's -- I make this in all  
22 seriousness. My understanding is all the hooks are  
23 offset in the same direction.

24 My understanding also is there's a great

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1 preponderance of the -- and I confuse the species  
2 here, but one of the turtle species -- the hooking is  
3 in the flipper. And the most -- and it's mostly  
4 hooked in the same flipper, and it may very well be  
5 that turtles are either right flippered or left  
6 flippered in a predominant manner, much as human  
7 beings are mostly right-handed versus left handed.  
8 And it might be worthwhile having one group of hooks  
9 offset in the other direction. And so you might take  
10 that into consideration.

11 Just one final comment, and it kind of goes  
12 to Glenn's last point, and that is while I'm  
13 extremely impressed with this program, and in  
14 particular the disentanglement and survivability once  
15 you get one of these animals hooked, I don't mean to  
16 rain on everybody's parade on these stunning results  
17 with respect to the reduction and interactions, but  
18 there is an alternate explanation.

19 The alternate explanation for these  
20 stunning results is that the baseline data adopted as  
21 gospel by the judge and put forward, you know, is  
22 severely flawed, which was the industries position to  
23 begin with that the data that resulted in the  
24 jeopardy finding was badly flawed from the get go.

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1 So that is an alternate explanation in my mind,  
2 although I think at this point it's probably a moot  
3 point.

4 MODERATOR CHRISTOPHER ROGERS: Okay, do you  
5 want to speak to that point?

6 MR. DEVNEW: Sure. I was going to clarify  
7 that this study it wasn't the -- well, how do I  
8 explain this -- It didn't really account for the  
9 baseline of the turtle populations. The way this was  
10 run was the control set and the experimental set were  
11 fished at the same time. So the population levels of  
12 the turtles in the ocean aren't really a factor.  
13 It's more -- it's specifically isolating the impacts  
14 of the gear on the turtles. So, we're feeling that  
15 these reductions that we saw were because of these  
16 gear modifications.

17 MODERATOR CHRISTOPHER ROGERS: Okay, we'll  
18 take one more comment before we move on, Rick Weber.

19 MR. WEBER: The study itself, just trying  
20 to understand it. Were the multiple hooks, multiple  
21 baits used at the time or was it one set -- was the  
22 control set and then -- was it one gear type and one,  
23 bait type per set, or were the different things all  
24 placed into the water at the same time so you could

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1 compare them in the same water at the same time?  
2 Because I'm excited about circle hooks myself and I  
3 like the direction that all of these stats are going.

4 But I find it -- if look at the same hook  
5 type, I find it miraculous that loggerheads dislike  
6 mackerel by 74 percent, leatherbacks dislike mackerel  
7 by 66 percent, and by changing to mackerel we  
8 increase swordfish catch by 64 percent. If it is  
9 only in the bait let's gives up the hooks and just  
10 discuss the bait. I'm encouraged with where we're  
11 going; something isn't ringing true for me and I just  
12 would like to understand it better.

13 MR. DEVNEW: The way the experiment was set  
14 up -- sorry, I didn't put up a slide; I didn't  
15 anticipate getting a question on that. I'll just run  
16 through sort of how we set up the sets. One type was  
17 -- the first half of the set was using squid in J-  
18 hooks, the second half of the set was using squid in  
19 the straight circle hooks. Another treatment type  
20 was the first half of the set; squid in J, the second  
21 half squid in offset circle, the third, was mackerel  
22 in J-hook. And then the second half of that set was  
23 mackerel in the offset circle hook. And then the  
24 fourth type was one half of the set was squid and

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1 then the other half was mackerel.

2 And I think he did it that way because when  
3 looking at bait types, he didn't want to alternate  
4 squid, and then mackerel by hook because there might  
5 be a chance that, you know, the skin of the mackerel  
6 being shiny it might reflect in the water more, you  
7 know, bringing turtles closer to that he felt it  
8 would be -- I don't know cleaner to look at it, just  
9 one half and then the other half. So --

10 SPEAKER: As I say guys, I would hope that  
11 these numbers are true. It just -- it wasn't --  
12 they're so extreme, I would've expected up a couple  
13 of percent or down a couple of percent when we looked  
14 at bait type. And I -- just from a biologic  
15 standpoint I'm intrigued that the difference in feed  
16 is alone or -- well, I guess I answered it, in that  
17 the control was in the water at the same time. These  
18 must be closer to accurate than I was expecting.

19 SPEAKER: A lot has to do with the size of  
20 the animals that are being interacted with you know,  
21 and that you know, 2 1/8th width on the hook, you  
22 know, is relative to, you know, what one of those  
23 animals will take down, you know, in tanks, you know,  
24 what they'll attempt to swallow.

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1           MODERATOR CHRISTOPHER ROGERS: Okay, thank  
2 you, Tyson. What we would like to do now we have one  
3 half hour before lunch is -- one more comment.

4           SPEAKER: Just one of the things that we  
5 hope we're going to be able to do in the near future  
6 is not only to export this research to other parts of  
7 the world, but be able to export this research to  
8 other parts of our own fisheries in other coasts.  
9 There's a lot of progress that was made here, and  
10 we'd like to find out how well it works in the  
11 Pacific, as well.

12           MODERATOR CHRISTOPHER ROGERS: Thanks Jack.  
13 What we'd like to do very quickly is present the  
14 comments received on the incidental catch of bluefin  
15 Tuna by Longliners proposal that we recently had our  
16 for comment. We had four public hearings as well as  
17 the briefly present the comments received on the  
18 North Carolina petition for rulemaking. And that's a  
19 segue into bluefin tuna, which will take up then  
20 immediately after lunch.

21           Obviously, we have discussed this morning  
22 time/area closures and gear methods in fishing, or  
23 gear and fishing methods as a means of by-catch  
24 reduction. Certainly we are sensitive to the effect

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1 that regulations have in contributing to the dead  
2 discard problem. We've had comments throughout  
3 several years on managing the incident of catch a  
4 bluefin tuna by Longliners that the regulations  
5 themselves were contributing to excessive dead  
6 discards.

7 At last year's panel meeting we presented  
8 an approach, an analytical approach that the agency  
9 was undertaking to look at the problem and discern  
10 whether there could be any changes to the regulations  
11 that might alleviate some of the dead discard problem  
12 for the Longline fleet. So we won't belabor the  
13 methodology that was again presented at the public  
14 hearings. I saw several of you at the public  
15 hearings. But just wanted to briefly review the  
16 objective so that rulemaking; the third alternative  
17 that was proposed and put up for public comment and  
18 Brad will briefly summarize the comments received on  
19 that rulemaking. Thank you, Brad.

20 SPEAKER: Well, we're going to get to the  
21 permitting -- HMS permitting; we're going to cover  
22 that before lunch?

23 MODERATOR CHRISTOPHER ROGERS: Not before  
24 lunch, but it is my hope that we get to it today.

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1                   SPEAKER: Okay.

2                   MR. McHALE: Thank you, Chris. Mark Merry  
3 Brown, (phonetic), right now, is actually proceeding  
4 around the table; I believe he's handing out a copy  
5 of the summary of comments on the North Carolina  
6 petition. So if people had an opportunity to give  
7 that a read during lunch break, so when we reconvene  
8 afterwards, we can jump right into it. That I think  
9 would be in the best interests of time.

10                  Like Chris had mentioned, I'm just going to  
11 give a very brief rundown of the proposed rule for  
12 the target catch unit for the long -- Pelagic  
13 Longline fleet, to retain incidentally caught bluefin  
14 tuna. Again, we're not going to belabor the  
15 analytical process, I'm just going to show the goals  
16 or the intent of altering this target catch  
17 requirement. I'll list out the preferred alternative  
18 and then I'll do a -- have a brief summary of the  
19 comments received and then we could take things from  
20 there. Just skip through this.

21                  I think as we all know, kind of the intent  
22 of altering these target catch requirements based on  
23 ICCAT recommendations are to minimize dead discards.  
24 We also are underneath the mandate to minimize the

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1 negative impacts on the target fishery, species and  
2 the participants in those fisheries. We're always  
3 trying to dance a fine line in between allowing the  
4 incidental retention of these bluefin tuna and  
5 preventing a directed fishery on them as well.

6 And whatever rules that we would need to  
7 put into place, need to be enforced effectively.  
8 We'd also received a number of comments from you all  
9 at last year's AP meeting. So, again we won't  
10 belabor that. And I just skipped through the  
11 analyses that was all done in the -- I can discuss  
12 this with anyone after the fact, but again in the  
13 interests of time, I'll keep it very brief.

14 The preferred alternative that the agency  
15 had come up with was to have one coast wide target  
16 catch requirement in getting away from a percentage  
17 of the target catch that's on board the vessel to  
18 equate out the bluefin tuna, and have a straight  
19 pounds limit. As you can see here at 2000 pounds for  
20 your first incidentally caught bluefin tuna to be  
21 retained and a second tier of 6000 pounds for your  
22 second bluefin tuna bend to be retained, and again  
23 this would be coast wide.

24 We also propose to maintain the north south

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1 line, although adjusting a little further south to 31  
2 degrees. We'd received comment back that maintaining  
3 this line would prevent the harvest of the incidental  
4 target catch in one area or another to provide  
5 equity, both -- in both geographical areas. One  
6 additional piece that the agency put forth in the  
7 proposed rule was to provide us with the authority  
8 for in-season adjustment.

9 Now that's going to be in-season adjustment  
10 on the number of bluefin tuna that can be retained by  
11 vessels, and as it was proposed, a range of zero to  
12 three bluefin tuna, would also have the ability to  
13 adjust those target catch requirements within 25  
14 percent of that baseline trip. And we received some  
15 positive comment back on that as well. The  
16 justification for the preferred alternatives reflect  
17 back to those goals I'd mentioned earlier.

18 And a brief summary of the comments  
19 received on this proposed ruling -- keep in mind,  
20 this is some of the main things that we heard  
21 consistently throughout the meetings and by no means  
22 is this a summary of all the comments we've received.

23 So if somebody provided a comment and I didn't list  
24 it here, I apologize and we can discuss that in a

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1 little while. But one of the main things that we  
2 heard was they're having a third tier to accommodate  
3 those trips that may be out at sea for longer  
4 durations of time and may interact with a few more  
5 bluefin tuna, and have larger amounts of target catch  
6 on board.

7 For instance, you know, currently, right  
8 now, a vessel with a 6000 pound target catch could  
9 make multiple trips in a month's time frame and come  
10 in with multiple bluefin tuna underneath that two-  
11 fish limit, or a vessel that's out there for 30-plus  
12 days, would still be capped at that two-fish limit.  
13 Again, the one thing that we heard at all the public  
14 hearings is that the quoted distribution that's  
15 distributed between the north and the south should be  
16 reexamined.

17 Currently in the proposed rule with the  
18 shift of the line to 31 degrees, the quota is split  
19 up in the -- 70 percent of that being allocated to  
20 the south, 30 percent to the north. Again, there was  
21 -- unanimous is the board for the north south line  
22 location adjustment to move that to a line where  
23 there is a minimal Longline activity. So there's no  
24 conflict in where these vessels are operating or

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1 landing their fish.

2 And the last comment that we received  
3 consistently was that, in conjunction with that in-  
4 season authority, the 30-day notification time wasn't  
5 realistic. It was too long to actually be reactive  
6 to what's taking place in the fishery and to get  
7 something in place in real time. And so that's the  
8 gist of this. I know it was very brief; and again  
9 I'll be available during the lunch break if anybody  
10 wants to go into anything in more detail. But I know  
11 a number of -- you attended the public hearings have  
12 already provided us comment, and I thank you on that.

13 Also in the back of the room I'll have --  
14 the slide presentation in its entirety, the  
15 environmental assessment associated with this rule.  
16 And we also do have a comment summary of all the  
17 comments received during this proposed rule. So at  
18 this point I like to just to turn it over for --

19 MODERATOR CHRISTOPHER ROGERS: Probably  
20 take about five minutes of questions.

21 SPEAKER: Are we turning the whole fishery  
22 into an incidental fishery?

23 MR. MCHALE: Well, currently Mel,  
24 (phonetic), right now, the retention of bluefin tuna

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1 on Pelagic Longline vessels is incidental, there is  
2 no directed fishery. So again, this is strictly for  
3 the Pelagic Longline vessels.

4 SPEAKER: Well, isn't there a directed  
5 bluefin tuna fishery?

6 MR. McHALE: There is with hand-gear, and  
7 there is with purse seine gear, but again, for  
8 bluefin tuna in the Pelagic Longline fishery, it is  
9 incidental.

10 SPEAKER: Okay.

11 MR. McHALE: It is no live target.

12 SPEAKER: I thought that was -- incidental  
13 was only in the gulf where they spawn, that's not --

14 MR. McHALE: No, it actually is coast wide.

15 SPEAKER: All right. Would this interfere  
16 with the real objective of catching any bluefin tuna  
17 in the west, which is for scientific tracking?

18 SPEAKER: Not sure what you mean by  
19 "interfering with;" this is adjusting the regulations  
20 regarding what is allowed to be retained and landed -  
21 - wouldn't necessarily affect interaction rates, and  
22 if bluefin tuna is brought to the boat live, it can  
23 be tagged and released.

24 SPEAKER: Well, I mean, I don't if you all

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1 considered it, but if the objective of catching tons  
2 that are allowed to be caught in a ease, and it was  
3 originally for scientific tracking, I suppose that  
4 looking at some, you know -- if you change  
5 regulations, you then change -- you put a bias in  
6 what the data means, which can interfere with the  
7 scientific tracking of the status of the stocks. And  
8 will making changes like this put that bias in that  
9 would upset the science. Was that considered?

10 SPEAKER: Okay. I understand your question  
11 much better now. The intent was and has been  
12 throughout the management period since the scientific  
13 monitoring quota was first initiated back in '81, was  
14 that we would maintain an allowance for Longliners to  
15 catch bluefin or to land bluefin taking incidental to  
16 the swordfish and yellowfin operations, whether it  
17 was in the Gulf of Mexico or not.

18 And the main thrust of all the regulatory  
19 adjustments throughout these -- this time frame, over  
20 the last 15 years has been to allow limited landings  
21 while avoiding an incentive to target. So to the  
22 extent that we're true to that management objective  
23 and have been consistently, this shouldn't affect  
24 fishing behavior significantly by adjusting these

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1 target catch requirements.

2 What the analytical approach was, it -- we  
3 did present at last year's meeting, was we tried to  
4 scale it so that we reduce dead discards while  
5 allowed landings only within the authorized quota for  
6 that category. So it's a balancing objective that we  
7 conclude would not affect fishing behavior in such a  
8 way that it would upset any Longline index of  
9 abundance of bluefin tuna that had been developed and  
10 used in the stock assessment in years past.

11 SPEAKER: A comment, Mel, I know it's been  
12 a while maybe since you've been over there, but the  
13 scientific monitoring quota really ceased to exist in  
14 1998, and started going south -- that we got it  
15 updated. Son of a gun, it's a real fisherman.

16 SPEAKER: It's science fiction.

17 MODERATOR CHRISTOPHER ROGERS: Michael  
18 Leech.

19 MR. LEECH: Thank you, Chris. Just very  
20 quickly. I think you answered, Mo, (phonetic), but  
21 what this rule will do we'll take dead discards and  
22 convert them -- allow some of these boats to land one  
23 or two fish. So you're not changing anything as far  
24 as mortality goes, it's just that you're being able

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1 to land the fish rather than throw out over the rail.

2 And I just want to tell you, Chris, and all your  
3 people that worked on it, we really appreciate you  
4 all coming out with rulemaking on this issue. It's a  
5 serious issue for some of our boats in our region,  
6 and I think you all came up with some very good  
7 alternatives, so thank you.

8 SPEAKER: Thank you. We submitted  
9 comments, and basically they were to the -- a fact  
10 that it's alarming that -- I know, I know -- I think  
11 it was 78 percent of the Longline catch was estimated  
12 to be in the previously defined southern region and  
13 now it's only 70 percent, although the southern  
14 region is smaller now under this proposed rule.

15 But to allocate 70 percent of the  
16 incidental catch to fish that could all be caught in  
17 the Gulf of Mexico, you know, the only known accepted  
18 spawning ground of these fish that, you know, have  
19 their lowest bio mass on record. I mean, I think  
20 that's very alarming and -- you know, I know most of  
21 the fish -- the -- all the fish caught in the Gulf of  
22 Mexico are incidentally caught, and if we just really  
23 urge to get that number down to, you know, as close  
24 to zero as possible, and to really get observers out

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1 on those boats. And I know that there haven't been  
2 in years past, and so we would just really again  
3 stress the importance of that, thanks.

4 MODERATOR CHRISTOPHER ROGERS: Jim Donofrio

5 --

6 MR. DONOFRIO: Yes, thanks. I just had a  
7 couple of questions, what -- do we know what the  
8 observer coverage is of boats that are in the  
9 Longline vessels in the Gulf of Mexico, is it broken  
10 down by any specific areas.

11 SPEAKER: I don't have those numbers with  
12 me but we can get them for you. Yes, obviously, we  
13 do have random assignment based on the home port of  
14 the vessel and the effort expended in the prior year,  
15 and we do a random draw so to speak with a stratified  
16 random design. So we can get the numbers of  
17 observers actually deployed on vessels of Gulf of  
18 Mexico for past years for you.

19 MR. DONOFRIO: Okay, yes, that would be  
20 great; I'd like to see that. My concerns are just  
21 similar to what Shana said. I think, you know, it's  
22 important that -- you know, we -- that we balance the  
23 ability to land, you know, fish that are already  
24 dead, you know, with the desire to, you know, stay

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1 away from anything that might increase mortality  
2 especially with these fish that are in the Gulf of  
3 Mexico. And that's primarily where our concern is,  
4 in the Gulf of Mexico.

5 And again, you know, the fishing mortality  
6 of that stock is quite high, bio mass is quite low  
7 and, you know, we'd like to see fish that are already  
8 dead being landed, but we're just wary about doing  
9 anything that might, you know, increase mortality.

10 SPEAKER: Chris, thanks, I think we've been  
11 on record in the past when this program with the  
12 amount of fish on board in Longline vessel, the  
13 percentage of bluefin up to 3. We've been supportive  
14 of that, because it's, you know, it's wasteful for  
15 them to be just throwing these fish back, and it  
16 prevents a directed fishery, so -- I think all those  
17 measures are in place to prevent that.

18 What I want to urge though is, you know,  
19 more investigation onto, you know, where these  
20 bluefin are entering our waters. And I know this  
21 anecdotally from fishing many years with Ray, and his  
22 people up in the cape, it's around the first week in  
23 June the fish arrive and enter into the canyon areas;  
24 around the same time every year, it's like clockwork.

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1           Now, a time and area closure in that area  
2 where -- and I know some of the deckhands on Longline  
3 boats, said they had a lot of -- a lot of bluefin on  
4 their sets, that can be avoided by having a short  
5 time/area closure when the fish are there, because  
6 they don't stay there in that area, they move into the  
7 gulf or mainly to their feeding grounds. So you may  
8 want to look at other possibilities to avoid that kind  
9 of, you know, incidental catch, and only close it down  
10 shortly, and it doesn't hurt for the long term on both  
11 sides.

12           SPEAKER: Thank you, Chris. I just want to  
13 repeat a couple of the comments that I made at the New  
14 Bedford public hearing, and that is that east coast  
15 tuna fully supports the preferred alternative to  
16 change it, and we appreciate that it's finally here,  
17 and long overdue.

18           I would say that it seemed as though from  
19 the analysis that Brad presented at the New Bedford  
20 hearing that the agency however was shooting a little  
21 bit low, and it wasn't clear that, you know, what  
22 you're planning on doing is trying to get them closer  
23 to full quota achievement, but testing the waters with  
24 the new limit. Because your own analysis suggested

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1 you're only getting up to -- I forget what the number  
2 was -- 80 percent of the quota or 70 somewhat percent  
3 of the quota, and you do have some comments that  
4 suggests that particularly on the longer trips you  
5 might want to have even a more flexible bag on it.  
6 And I don't -- and just as -- in the past we've  
7 opposed the arbitrary cap in the general category for  
8 the number --

9 (Tape interruption)

10 MR. BONFIL: -- definition of Essential Fish  
11 Habitat, some of the members of the panel have already  
12 expressed the fact that only the EEZ is taken into  
13 account. I think it's a valid point that should be  
14 resolved, as well as the entire distribution of the  
15 species, to put things in context. But more from the  
16 mentally, at least, from my point of view as a  
17 scientist, it worries me to see -- and maybe I'm not  
18 understanding the process of the agencies, or the  
19 division is going through when it comes to defining  
20 the Essential Fish Habitat, but just taking as an  
21 example, the maps that were put in the presentation  
22 there, it seems to me that we are trying to define the  
23 spawning, breeding, feeding and growth to maturity  
24 areas, simply as a presence-absence process, and from  
25 that point of view, I'm extremely worried.

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1 I acknowledge that it is a very difficult  
2 undertaking, scientifically speaking, or technically  
3 speaking. How can we define if the presence or  
4 absence of a fish in a given point in time is  
5 meaningful in terms of whether it is spawning, or is  
6 it breeding, or is it mating, or is it -- what is it  
7 doing? We don't know. So, I don't know the details  
8 of the process you guys are going through, when you  
9 are doing these maps, but it's something that kind of  
10 puts a red light for me there. And I think it should  
11 be made a little bit clearer how you're going through  
12 to build these maps. Because if it is only the  
13 information that you are getting from catches or from  
14 the boats, or from the surveys, and just plotting that  
15 there and saying, okay this is Essential Fish Habitat  
16 just because we got a report that it was -- basically  
17 what we are doing is just plotting distribution of a  
18 species, and that doesn't equal Essential Fish  
19 Habitat.

20 MODERATOR CHRISTOPHER ROGERS: Well,  
21 certainly it's a process of refinement as one gathers  
22 more information, and again, we acknowledged that  
23 sometimes your instruments of data collection are  
24 going to be limiting as well as a legal, one might  
25 call it an impediment, or at least an issue as to

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1 whether or not we can define the EFH beyond the EEZ,  
2 but we'll certainly take a look at that, and address  
3 it in the draft document, the extent to which we have  
4 information certainly beyond the presence-absence  
5 approach, looking at critical life stages, and what  
6 might be the, sort of, cause and effect of why the  
7 species is there in that life stage, and what is the  
8 importance of that particular habitat for that  
9 species, and as well as looking at any information we  
10 have available beyond the US EEZ . Shana, anything?  
11 Maybe a few more on this side, Jaime?

12 MR. ALVARADO-BREMER: I've got a question  
13 regarding, again, the chart of distribution of  
14 plotting adult data. And what I'm interested is, more  
15 than anything, is in the paucity of data, and why if  
16 the Miami Lab has generated since the 1990s a  
17 substantial amount of characterization of (inaudible)  
18 and for instance, Dennis Hou Lee (phonetic) and Fredia  
19 Rocha (phonetic) Polish paper with 14,000 females with  
20 gonadal indices were characterized, why are they --  
21 why is that data not plotted here? So, that's my  
22 first question.

23 SPEAKER: I would have to look into that. I  
24 would think that that data was incorporated. It may  
25 not. What you are saying here is a scale to reflect

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1 the number of observations for 100 nautical mile area.

2 So, I would have to check into that.

3 MR. ALVARADO-BREMER: No, in particular I  
4 know for a fact, for example, under represented here  
5 is the Strait of Florida, the Strait of Yucatan, and  
6 the Sargasso Sea as the most important reproductive  
7 areas for Swordfish in what pertains the Swordfish  
8 fleet. In addition ICCAT has pretty much set forward  
9 certain criteria within the Swordfish workshop of how  
10 to define spawning grounds, and which would be very  
11 interesting with regard to how to define it in terms  
12 of Essential Fish Habitat for reproductive areas if it  
13 would incorporate not only larval distribution that  
14 are prone to dispersal by currents, but more  
15 importantly gonadal indices together with sex ratios.

16 In the case of Swordfish, we have seen that when you  
17 have an excess of males, generally coincides with the  
18 areas where the highest gonadal indices are found.  
19 Probably because females are not accessible to the  
20 fishery, but nevertheless, you can very much pinpoint  
21 and reduce your area of scope of distribution to find  
22 which are the areas that are -- could be more heavily  
23 impacted as Essential Fish Habitat for reproductive  
24 reasons.

25 MODERATOR CHRISTOPHER ROGERS: Thank you,

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1 Himie. We'll have to look into some of the ICCAT  
2 material, where you've identified the criteria for  
3 spawning areas. Jim Donofrio, Dewey Hemilright?

4 MR. DONOFRIO: Thank you, Chris. This is  
5 getting a little too complex here. I think both  
6 sides, commercial, recreational, I think we want to  
7 see sustainable re-built fisheries here. This whole  
8 EFH thing to me, when it first came out was just  
9 talking about Mars. I mean, I see things as a  
10 fisherman, keep a healthy forage base, predator-pray  
11 relationships, echo system managements, simplistic, I  
12 think we are missing that. I mean we're getting --  
13 we're getting down to so much layers of management  
14 here, we're never going to accomplish anything.

15 I agree with some of the comments here, I  
16 think Rich, you're right on the money, but then I hear  
17 Glenn, and, you know, be careful what you ask for.  
18 You know, be careful what you ask for here because,  
19 you know, we got ESA, okay, I understand what Haime's  
20 concerns are, you know, taking it outside the EEZ, but  
21 it would be really nice if we can enforce ESA on our  
22 partners in Europe, who are overfishing in great  
23 numbers. So, you know, we got to worry about what's  
24 here, and I guess we got to deal what's here, so I  
25 would say, let's try to keep it simple. Let's try to

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1 keep it simple as fishermen, as, you know, biologists  
2 see it. Big fish eat little fish. Let's keep that  
3 relationship going first, and, you know, try to keep  
4 our mortality down whatever we can by adjustments, and  
5 how we catch fish, how we release fish, et cetera.  
6 But we're getting -- we're getting down to stuff here,  
7 we're never going to have ever, ever in our lifetimes  
8 resolve it, that's just my opinion, thank you.

9 MODERATOR CHRISTOPHER ROGERS: Okay, we have  
10 a few minutes; we want to take break at ten. So we  
11 had Dewey, Bob Fitzpatrick and then we will take a  
12 break.

13 MR. HEMILRIGHT: When I looked at the  
14 Essential Fish Habitat, and I noticed that the closure  
15 of North Carolina, the northern part of it, there is a  
16 small slither that was designated as Essential Fish  
17 Habitat. It's mainly north of Cape Hatteras  
18 lighthouse. But yet, you close down a great deal of  
19 area. You go from the shore where it was Essential  
20 Fish Habitat, you went straight out to 50 fathoms and  
21 you go down where there is no interaction, there has  
22 been no observed -- observance of fish takes.

23 When I see this Essential Fish Habitat, does  
24 that mean that that -- that habitat's essential in  
25 January, February and March, because if you went there

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1 and did a study, at that time, there wouldn't be no  
2 fish there. So, are we just getting this Essential  
3 Fish Habitat label when somebody goes there, and does  
4 the studying when the fish is passing through, or does  
5 that mean that that fish is there a year round,  
6 because it's not there a year round. It's got a tail,  
7 and it's going to swim. I mean if it held it there,  
8 heck, you would be fishing there maybe, but it's not  
9 going there.

10 I think it's kind of like we put this well,  
11 let's have a Essential Fish Habitat, and we -- well,  
12 that would be -- that's another plus, we include that  
13 in the closure, we can say that it's Essential Fish  
14 Habitat, but the fish aren't there. The times that  
15 you, I mean you look at your study, was the study for  
16 Essential Fish Habitat in this one particular area?  
17 Was it done in May, June, July? Or was it done in  
18 January, February or March? Because it's almost like  
19 you're, you know, let's just use -- say it's Essential  
20 Fish Habitat, and it gets us off the hook, thank you.

21 MODERATOR CHRISTOPHER ROGERS: Bob  
22 Fitzpatrick?

23 MR. FITZPATRICK: Yes, I just wanted -- I  
24 can ditto on Rich's stress of the importance of  
25 forage, and I assume that the Essential Fish Habitat

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1 will become more important as we go more towards echo  
2 system based management, and this sort of is toddler  
3 right now, but we have before our very eyes in New  
4 England, and the comment about, we don't seem --  
5 appear to have any fishing interaction that's causing  
6 a problem -- or those weren't your words -- but  
7 basically it didn't appear to be a problem with  
8 different gear types right now.

9           However, right before our very eyes, in New  
10 England, we have what we consider a serious problem.  
11 And if -- when you look at the regulatory requirements  
12 on page 182, it talks about habitat related -- habitat  
13 related densities, and or relative abundances, right,  
14 in the law. Additionally, it says this information  
15 should be interpreted with a risk averse approach,  
16 a.k.a., the precautionary approach, which is what we  
17 have been saying is completely lacking in the herring  
18 fishery in New England. And, the last two years when  
19 the fish came, and basically completely left, we  
20 weren't -- didn't start squealing two year ago. We  
21 were talking about this in '96, '97, '98, '99, we've  
22 been telling you for almost a decade that we are going  
23 to have train wreck. That it's coming, we've seen it  
24 coming, we've seen specifically, and we could put data  
25 together for you. I don't know what we got to do to

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1 get forage as particularly for Bluefin, in the Gulf of  
2 Maine into this game, and get it to have some level of  
3 importance, but we've seen condition factor a.k.a.,  
4 how much fat Bluefin have in New England starting in  
5 '96, and '97, basically head south. In other words,  
6 fish that would typically get fat, in a certain period  
7 of time. Once things get right and the echo system is  
8 set up, and you have all the life, you've got the  
9 herring and the whales, and everything else, we get  
10 what we call rubber balls at first, but over a period  
11 of time, the fish improve.

12 Well, starting in '96, and '97 we saw less  
13 and less improvement, and we started saying that there  
14 is a problem. The problem has now progressed to the  
15 point where the fish have come, and have left,  
16 wholesale departure to Canadian waters.

17 Now, you can pick the thing apart and try to  
18 micro analyze it, but there is something called  
19 herring that is sort of the easy answer, and we've got  
20 scientific advice that is being basically caution to  
21 the wind, regarding the tack in area 1A, and what the  
22 scientific advice says should be getting caught,  
23 especially in light of numerous years of overfishing  
24 in 1A that the data is now available, when are we  
25 going to -- you know, we got -- we see it happening.

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1 It's right in front of us. Are we going to wait a  
2 year, two years? How long do we have to wait until  
3 something occurs that, you know, where the light bulbs  
4 are going to light up, and we are going to see some  
5 management decisions, or at least some influence,  
6 because I know it's the New England council, but you  
7 guys can certainly try and influence the process.  
8 Help us.

9 MODERATOR CHRISTOPHER ROGERS: Certainly a  
10 very valid point, and I think what you've --  
11 throughout and -- in the initial concept is the echo  
12 system approach, may have more bearing on it than EFH.

13 Obviously, if the Bluefin are there only because  
14 herring are there, you might say it's not necessarily  
15 a habitat issue. They are finding habitat essential  
16 for their survival, and growth in Canadian waters  
17 because the herring are there. So, the question is,  
18 is it a presence or absence of herring that defines it  
19 as essential for the Bluefin Tuna to be in the Gulf of  
20 Maine. I think that it is more appropriately analyzed  
21 and addressed through an echo system approach to  
22 management that strictly EFH alone. Certainly, there  
23 is a -- there is an intersection, and we will seek to  
24 establish a better working relationships as the --  
25 with the councils in that regard as the agency comes

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1 to grips with how to manage on an echo systems basis.

2 So, with that we will take a break here. And, within  
3 15 or 20 minutes please get back to your seats, so we  
4 can get on with time/area closures.

5 (Whereupon, a short recess was taken)

6 MODERATOR CHRISTOPHER ROGERS: All right  
7 folks, let's please get started. We are going to move  
8 into our discussion of time/area closures. A very key  
9 feature of a rule making that we completed subsequent  
10 to the completion of the highly migratory species and  
11 billfish plans in '99. For those who were involved in  
12 the process, and many of you were, during the  
13 development of the FMP we had some time/area closures  
14 --

15 (Tape interruption)

16 MODERATOR CHRISTOPHER ROGERS: -- The  
17 Florida Straits identified, what we elected to do was  
18 pull back, I guess you could say in a sense in the  
19 actual FMP, documents from that proposed closure  
20 because of the overwhelming comment that we needed a  
21 more comprehensive approach to by-catch reduction  
22 including the use of time/area closures, and we  
23 elected to do that via a subsequent regulatory  
24 amendment which was completed after the FMP in August  
25 of 2000. So, that implemented some additional closed

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1 areas. The closed areas, I think, will have an  
2 overview slide of all the existing closed areas, but  
3 one of the ongoing concerns that has been addressed to  
4 some extent at the subsequent panel meetings we have  
5 since that rule making was completed was how effective  
6 had those closed areas been, and whether or not  
7 additional closed areas are warranted or even if some  
8 of the boundaries of those closed areas can be  
9 modified to achieve the same goals or ends of by-catch  
10 reduction while relaxing some of the constraints on  
11 the commercial and or recreational fleets. So, with  
12 that Chris Rilling who is on point again for a  
13 presentation on the closed areas, and how they might  
14 be modified during this plan consolidation process.

15 MR. RILLING: Just to give you a brief  
16 overview, I'll expand a little bit on what Chris just  
17 said. Obviously our time/area closures are designed  
18 to reduce by-catch, protected species, as well as non-  
19 target HMS. There've been several time/area closures  
20 implemented in recent years, and what we plan to do is  
21 take a comprehensive look at all of those time/area  
22 closures and see whether the goals and objectives of  
23 those closures are being met. And of course, we're  
24 proposing several additional new alternatives to  
25 address ongoing by-catch issues. So, the alternatives

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1 are listed here. Within each one of these  
2 alternatives, there could be sub-alternatives. So,  
3 for instance, well, let me go through them here.  
4 Alternative Number 1, the no action alternative would  
5 simply maintain the existing time/area closures with  
6 no new time/area closures implemented. The second  
7 alternative would be to implement time/area closures  
8 looking at all gears, not just pelagic long line  
9 gears, for White Marlin, and important habitat areas.

10 The third alternative -- and for instance within that  
11 alternative 2, there may be several sub-alternatives  
12 looking at specific areas. For Alternative Number 3  
13 we would consider time/area closures for small tooth  
14 Swordfish to include all gears as well. Alternative  
15 Number 4 would be based upon the analysis of  
16 Alternative Number 1 or our comprehensive view of all  
17 of the data on existing time/area closures we may  
18 propose to make modifications to existing time/area  
19 closures. So, that could include refinement of an  
20 area. It could include expansion of an area, et  
21 cetera.

22 And then the fifth would be to implement  
23 complementary HMS management measures in the Madison-  
24 Swanson and Steam Boats Lumps Marines Reserves. I'll  
25 go through each of those alternatives in little more

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1 detail. Here are existing closures ranging from the  
2 North East distant closure to reduce the by-catch of  
3 Sea Turtles loggerhead and leatherback, primarily  
4 North Eastern US closures to reduce Bluefin Tuna  
5 discards and mid Atlantic closure moving down the  
6 coast to reduce sandbar, juvenile sandbar, and dusky  
7 shark by-catch. The Charleston Bump Florida East  
8 Coast, and the DeSoto Canyon closures were implemented  
9 to reduce billfish as well as juvenile Swordfish, and  
10 other HMS discards and by-catch.

11 You can see in the inside map on the upper  
12 left hand corner the NED in comparison to the rest of  
13 the Atlantic, and one interesting point to note is  
14 that the overall area encompassed by all the time/area  
15 closures is approximately 2.7 million square miles.  
16 By comparison the landmass of the United States is  
17 approximately 3.4 million square miles.

18 For the first alternative, the no-action  
19 alternative, to maintain the existing time/area  
20 closures with no new time/area closures implemented, a  
21 few pros and cons of that alternative, obviously the  
22 ecological benefit of those closures has been to  
23 reduce the by-catch protected species, and target and  
24 non-target HMS. However, as always new areas may be  
25 needed to further reduce by-catch, particularly for

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1 some of the marlin species and Sea Turtles. And I  
2 don't think I need to point this out, but obviously  
3 the existing closures may have had an economic burden  
4 and continue -- would continue to have an economic  
5 burden if they are left in place as they currently  
6 exist.

7 The second alternative would be to analyze  
8 time/area closures for all gear types for White Marlin  
9 in important habitat areas. White Marlin are  
10 overfished, and frequently you see that written in  
11 documents as severely overfished. And, overfishing is  
12 continuing, and time/area closures may be needed to  
13 further reduce by-catch. This would obviously  
14 decrease by-catch overfished marlin as well as other  
15 HMS depending on the areas that we selected, and that  
16 is one of the things that we are looking at is not  
17 just single species interactions, but trying to get  
18 the most bang for the buck and seeing if there aren't  
19 multiple species interactions in a given area. And,  
20 those could include Sea Turtles as well.

21 Obviously any additional new time/area  
22 closures would potentially impose economic burdens on  
23 fishermen and related businesses. In terms of the  
24 looking at the White Marlin potential time/area  
25 closures, we have plotted some data from the pelagic

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1 observer program which you see here in gray; 1310 sets  
2 observed from 2001 through 2003, and then overlaid  
3 with the black points of the White Marlin interactions  
4 which totaled 418 for that three year period.

5 MODERATOR CHRISTOPHER ROGERS: What was that  
6 number?

7 MR. RILLING: 418. This is from the pelagic  
8 observer program data.

9 MODERATOR CHRISTOPHER ROGERS: That's live  
10 and dead, as well.

11 MR. RILLING: That's correct; Live and dead.  
12 Moving on to the pelagic long line logbook data,  
13 plotted all of the sets for three years from 2001  
14 through 2003, total number of sets reported was 31,388  
15 with 3,155 marlin white interactions, plotted in  
16 black. So, we'd be looking at this information as  
17 well as any additional information as Bob alluded too  
18 earlier in his question to me about the Essential Fish  
19 Habitat information. That is one of the key pieces of  
20 information that we would be looking at in addition to  
21 where the highest observed by-catch and discards for  
22 White Marlin may be. In addition obviously we would  
23 be looking at Sea Turtles interaction and other HMS  
24 discards or juvenile undersized HMS.

25 The third alternative would be to look at

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1 time/area closures for small tooth Sawfish. *Pristis*  
2 *pectinata* was listed April 1st, 2003, as an endangered  
3 species under ESA, has been extirpated in much of its  
4 range and is now only found in localized areas,  
5 primarily in Florida. This alternative would decrease  
6 the by-catch of endangered Sawfish and is important to  
7 point out that Sawfish interactions with most HMS  
8 gears are very low, but could nonetheless result in  
9 economic burden on fisherman if the time/area closure  
10 were implemented.

11 Here you see the historical locations of  
12 Sawfish interactions; this was gathered by the Sawfish  
13 review committee, and you will notice that Sawfish  
14 really have been extirpated from lot of these areas  
15 and are primarily found in Florida at this point. So  
16 that is obviously part of the concern and was one of  
17 the driving mechanisms behind the listing document.

18 Here you see the observed small tooth  
19 Sawfish interactions in the shark bottom Longline  
20 fishery. We have had eight interactions since  
21 observers began reporting information in this fishery.

22 Of those seven were at least alive. Only one was  
23 released dead. And here you can see the total number  
24 of sets which were observed throughout that time  
25 period, and which those small tooth Sawfish were

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1 observed. So it would seem be fairly localized down  
2 in the Florida Keys, and the Dry Tortugas with the  
3 highest number of interactions occurring down there.  
4 I believe it's six out of the total eight. So that  
5 would likely be one of the areas that we would be  
6 examining for a potential time/area closure.

7           Alternative 4, to make modifications to  
8 existing closures. As I mentioned at the outset, this  
9 would be dependent upon our analysis. And to get a  
10 overview of at least some preliminary information on  
11 analyzing pelagic Longline log book data to document  
12 any changes and effort and by-catch and discards from  
13 the period preceding implementation of most of the  
14 time/area closures versus post-implementation of the  
15 time/area closures, you could look on page 336 of the  
16 pre-draft. And at least our preliminary look at the  
17 data from the logbook indicates that the time/area  
18 closures have had the desired effect of reducing by-  
19 catch and discards of a lot of the non-target HMS, or  
20 undersized Swordfish, discards of billfish as well as  
21 sailfish, and spearfish. And in fact some of the  
22 preliminary information indicates that Bluefin Tuna,  
23 Bigeyed Tuna, and Swordfish discards have all declined  
24 by greater than 30 percent. Blue Marlin and White  
25 Marlin discards have declined by approximately 50

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1 percent, and Sea Turtles discards have declined by  
2 approximately 28 percent.

3 Obviously there are some additional analysis  
4 that needs to go into this; this is simply the  
5 reported data. We also need to look into the observer  
6 program data and any additional information we might  
7 have. What we are hoping to do with this alternative  
8 is to perhaps target some of the areas of highest  
9 interactions that continue to exist perhaps refine  
10 some of the existing time/area closures, and thereby  
11 also providing access to some of the areas in which we  
12 have -- we will be able to document hopefully that  
13 undersized Swordfish or other billfish by-catch and  
14 discards has declined, or is no longer as great an  
15 issue.

16 Obviously the benefits to maintaining or  
17 making modifications that further target the areas of  
18 highest interactions would be to reduce the by-catch,  
19 continue to make strides in reducing billfish, and Sea  
20 Turtle by-catch and discards. Obviously any expansion  
21 of areas that might result could have an economic  
22 burden, but we are hoping that by taking this  
23 comprehensive look and seeing where the highest  
24 interactions are occurring that we might be able to  
25 refine some of these areas as well.

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1           The final alternative to implement  
2 complimentary HMS management measures and the Madison-  
3 Swanson and Steam Boats Lumps Marines Reserves would  
4 be designed to provide consistency between the Gulf of  
5 Mexico Fishery Management Council closure areas for  
6 gag grouper. What you see here is the two small  
7 boxes. They encompass approximately 214 nautical --  
8 square nautical miles. You see them in relation here  
9 to the DeSoto Canyon closure area. Apparently the  
10 Gulf of Mexico regulations prohibit all fishing from  
11 November through April, and trawling from May through  
12 November. And the intent of this alternative would be  
13 to implement similar closures for HMS gears in those  
14 areas.

15           We've been taking a preliminary look at some  
16 of the data that we do have from the pelagic Longline  
17 log book data, which you see plotted in gray here with  
18 perhaps just a few points falling within the Madison-  
19 Swanson areas. Looking at the observer, pelagic  
20 observer program data, the dark points, again no  
21 observed sets within those areas, and finally looking  
22 at the shark bottom Longline observed sets in the Gulf  
23 of Mexico, we do see one set that fell within the  
24 Madison Swanson closure area.

25           So again, we would be looking at all the

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1 gears that are currently being fished in those areas,  
2 and doing an analysis of the potential impacts of  
3 closures to make them consistent with the Gulf of  
4 Mexico regulations. And that concludes my  
5 presentation.

6 MODERATOR CHRISTOPHER ROGERS: Okay. Thank  
7 you, Chris. Just to reiterate the area closures  
8 currently in place have been established to address  
9 many and varied by-catch issues within the HMS  
10 fisheries, whether it is Bluefin Tuna turtles, White  
11 Marlin juvenile Swordfish, and obviously we've heard  
12 this morning with respect to our EFA discussion trying  
13 to pay some attention to small tooth Swordfish. So,  
14 we have a lot of feedback from industry regarding the  
15 cumulative impact of these closures. Often we will  
16 do, we are required to do each time we do a rule  
17 making with the closure is to analyze the cost and  
18 benefits of each one. Increasingly we need to analyze  
19 the cumulative impacts of these additional closures as  
20 they arise. And I've gotten some comment over the  
21 years that perhaps the area closures are broader or  
22 more extensive in time than they need to be to address  
23 the by-catch issues of particular concern for which  
24 they were implemented.

25 So, basically at this juncture we've seen

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1 the whole gamut of closures is on the table for  
2 review, and additional analysis, how productive have  
3 been and at what cost, and whether any refinements to  
4 them in time or aerial extent can be done to ease the  
5 cumulative economic burden on industry while at the  
6 same time continuing to address the by-catch problems  
7 that have occurred. So, with that we look forward to  
8 some interesting discussion --

9 SPEAKER: Process --

10 MODERATOR CHRISTOPHER ROGERS: Process on  
11 this discussion or on the plan amendment?

12 SPEAKER: No.

13 MODERATOR CHRISTOPHER ROGERS: On this  
14 discussion, okay.

15 SPEAKER: Do you want comments on the North  
16 Carolina petition at this time, or will that be a  
17 separate discussion.

18 MODERATOR CHRISTOPHER ROGERS: That is a  
19 separate discussion. North Carolina has submitted a  
20 petition for rule making to modify the mid Atlantic  
21 closed area for shark. And, that is predominantly of  
22 North Carolina and Louis Daniel is prepared to make a  
23 presentation on that. We have that later on in the  
24 Agenda.

25 But certainly the existing closed area is an

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1 issue. Perhaps we -- I don't want to use the word  
2 avoid -- but could benefit from Louis's presentation  
3 before we delve into the details of that closed area  
4 and any modification. But all the other closed areas  
5 are certainly open for discussion during this session.

6 So I think we started counter clockwise last time, so  
7 we'll go clock wise this time. Shana?

8 MS. MILLER: I think it is great that White  
9 Marlin closures are not closures, but White Marlin are  
10 on the table to at least look at when analyzing  
11 time/area closures, and I think it is important also  
12 look at Bluefin Tuna which are obviously at similarly  
13 low levels. And for Bluefin, you know, it is not just  
14 juvenile Tuna that should be looked at. Certainly,  
15 the mature Tuna spawning in the Gulf of Mexico have  
16 really been impacted by the pelagic Longline fleet  
17 down there, and if you look at the -- the pelagic  
18 Longline sets for White Marlin, it also there is a  
19 overlap with Bluefin Tuna. So that could be an  
20 opportunity to, you know, kill, or save two birds with  
21 one stone. And, for the existing closures, if they  
22 have been proven to be effective, I think, it would be  
23 premature to reopen those if, you know, it may negate  
24 some of the benefits that have been achieved to this  
25 point, thank you.

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1           MODERATOR CHRISTOPHER ROGERS:   Okay.   Thank  
2   you, Shana.   But because we're all also concerned  
3   about seabird by-catch we won't say we will kill two  
4   birds with one stone in this -- in this discussion,  
5   Well, Jack -- Jack Devnew.

6           MR. DEVNEW:   Yes, I don't know if we'll have  
7   an opportunity to go back around or anything.   I am  
8   not sure how well I got my thoughts together, at the  
9   moment actually, but just a couple of, I guess, quick  
10   things.   I did want to reiterate and make sure it's in  
11   the document actually, so I didn't really see it in  
12   the presentation here.   My recollection, back in '99,  
13   when this was done, was the primary impetus to the  
14   closed areas was in fact the juvenile Swordfish catch  
15   in the Straits of Florida, primarily.   Okay, that I  
16   would consider not a by-catch issue at all.   What it  
17   is, is a regulatory discard.   And it had, you know,  
18   and I think it is important to -- the detail in the  
19   language, I think it is very important.   Not so much  
20   at this table necessarily, but in any kind of written  
21   documents, and their use in the public at large.

22           You know, George Orwell, in 1984 coined a  
23   phrase newspeak and we have that going on in fisheries  
24   these days.   And, a couple of things spring to mind:  
25   one is the use of the term overfishing.   It is the

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1 only legal term we can describe any condition where  
2 the fishery resource is not available, you know, up to  
3 and you know why. Okay so, it doesn't matter what the  
4 cause is the actual term technically is overfishing.  
5 That's huge in the minds of people out in, you know,  
6 the heartland of America that don't know much detail  
7 about it. Regulatory discards have, you know, become  
8 by-catch here, so I think it's, you know, I think it  
9 is important to note that in the document that the  
10 primary impetus was for juvenile Swordfish.

11 I think given that fact and given the fact  
12 of the great success and the recovery of Swordfish,  
13 the one alternative I don't see here in terms of  
14 actually delineated would be to reopen closed areas.  
15 And I think that should be the preferred alternative,  
16 at least with the respect to Swordfish as a species.  
17 The reopening of closed areas, and management of  
18 closed areas -- management, there is a lot of  
19 precedent for it. There has been in the State of  
20 Maine, and as in the Gulf of Maine, a long history of  
21 ruling time/area closures to protect spawning herring.

22 Okay, so it starts down east, we have a closure, then  
23 it moves to mid coast Maine, by the time moves to  
24 Southern Maine, you have a reopening of the initial  
25 closed area behind the down east, and so on and so

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1 forth. And than when the spawning is done it's either  
2 the areas reopen in its totality. We spoke earlier  
3 about scallop closed areas. Actually, now more than  
4 half of the fishery is compelled to take place in the  
5 closed areas. They found so much success in that  
6 resource. In fact what they found was actually  
7 mountains, and I'm sure John, in his discussions with  
8 his colleagues, you know, down at (inaudible), you  
9 know, what they found was mountains of clappers, empty  
10 shells. They died of old age, is what they did in the  
11 scallop resource in some of these closed areas. And  
12 so the compulsure(sic) was actually compelled to get  
13 back in there and open them back up. So I think it is  
14 a fluid situation, you know, when you come to  
15 time/area closures, and management through time/area  
16 closures, and it is -- I think it can be, if used  
17 properly, a very effective tool in the conservation of  
18 resources, and then the wise utilization of them.

19 So I would like to actually see another  
20 alternative put in there, well, you know, especially  
21 on a species by species basis. With respect to any  
22 type of closed area targeting White Marlin, I would  
23 caution against it. And the reason is it is a  
24 diminimus impact. One of the things that came clear  
25 in the discussion when their petition was made a few

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1 years ago -- I think it was three years ago now -- to  
2 list it as a -- to get a listing for White Marlin,  
3 one of the things that was eminently clear is that the  
4 United States -- and I'm going to quote some kind of  
5 figure that probably not going to be very exact -- but  
6 it was somewhere -- the United States as a source of  
7 mortality on the White Marlin stock was somewhere like  
8 four to six percent, you know, of the entire  
9 mortality.

10 So we are now contemplating some incremental  
11 action that even if we somehow did something to  
12 eliminate all mortality of U.S. source on White Marlin  
13 would at best address five percent of the total  
14 mortality which in and of itself is not going to do  
15 much. So to then sit here and create a structure  
16 where you are going to shut areas of the ocean of to  
17 just get part of that -- what are you going to get,  
18 one percent? It's -- it's just -- it's not worth,  
19 it's not a wise use of resources, it's not a wise  
20 economic sacrifice for anybody. So, I would certainly  
21 caution against that. Ad those would be the only two  
22 time/area closure that I would care to speak to at the  
23 moment, thank you.

24 MODERATOR CHRISTOPHER ROGERS: Glenn  
25 Delaney?

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1 MR. DELANEY: Thank you, Chris. First of  
2 all, I am glad Chris that you did note after the  
3 presentation that revisions to existing time/area  
4 enclosures, not just the no-action or expansion  
5 options are on the table. I mean we are basically re-  
6 thinking and re-looking at time/area closures and I  
7 appreciate that clarification. As Jack noted, the  
8 basis for many of those time/area closures in the Gulf  
9 and South Atlantic region was concern for the  
10 Swordfish, the status of the Swordfish stock and  
11 juvenile mortality. And we have seen, I think, a --  
12 just a dramatic change in the circumstances since  
13 those time/area closures went in to effect,  
14 specifically with regard to Swordfish but also just  
15 generally in terms of our understanding of by-catch,  
16 in the Longline fisheries.

17 There's been an enormous amount of research  
18 as we all know with tremendous results. Our ability  
19 to evaluate by-catch data on a more refined scale has  
20 increased, I think, dramatically. I think, our  
21 ability to enforce very effectively the lines drawn  
22 through the BMS technology has increased dramatically  
23 and BMS enforcement is wide spread through many  
24 commercial fisheries now, and found to be very precise  
25 and useful and practicable by both the industry and

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1 the agency.

2 And I say that was some trepidations because  
3 I certainly still have plenty of clients who don't  
4 like BMS, but the reality is it does work for both of  
5 us in many ways. It's not a popular thing everywhere  
6 but it's getting there. We've gone to a 100 percent  
7 circle hooks in these fisheries with a number of other  
8 gear and bait, and handling improvements. As I said,  
9 there's just a tremendous increase in the  
10 understanding and awareness and focus on by-catch  
11 reduction, and how to reduce the mortality of by-catch  
12 in Longline fisheries.

13 We have probably have better observer  
14 coverage and that I think improves our understanding  
15 of what's going on. Not to mention the Swordfish  
16 stock itself has gone fro -- oh, in 1999 what we were  
17 at, maybe 65, 58 percent of BMSY, we're at or near 100  
18 percent of that, maybe we even bumped up above it.  
19 Another huge thing that has changed since then is that  
20 the U.S. has dramatically reduced its ability to  
21 harvest it's ICCAT quota. The ICCAT quota has changed  
22 somewhat, but our ability to harvest has basically  
23 gone into freefall since the 2000 closures went into  
24 effect.

25 We've gone to essentially harvesting our

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1 quota and if you look at the landing statistics you'll  
2 see that it's fallen dramatically each year since  
3 then, since the closures went into effect. And  
4 perhaps this year we will not harvest between 30 and  
5 40, probably closer to 40 percent of the U.S.  
6 Swordfish quota given to us by ICCAT.

7 As many of you know, I've been crying wolf  
8 over ICCAT taking away unused U.S. quotas, whether  
9 it's Swordfish or anything else. I don't think I'm  
10 crying wolf this time. I think in 2006 we're going to  
11 be faced with the new staff(?) assessment, which will  
12 trigger a re-allocation debate within ICCAT of north  
13 Atlantic Swordfish quotas, which the U.S. will be  
14 unable to sustain. I mean we will have after this  
15 series of years of demonstrated inability and  
16 aggressively reduced ability to harvest our quota, I  
17 think we will -- it will be impossible for the U.S.  
18 Delegation and the Commissioners to thwart efforts to  
19 have our quota re-allocated to other nations.

20 And as many of you have recognized and I  
21 appreciate that recognition, no other nation takes  
22 care of their by-catch species, whether it's turtles,  
23 White Marlin or small Swordfish, than U.S. does in its  
24 pelagic on line fisheries. And, no one manages their  
25 fisheries to the extent that we do. So any quota that

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1 leaves our plate and goes on to somebody else's, is a  
2 negative conservation or mortality impact on those by-  
3 catch situations as well as probably for Swordfish as  
4 well

5 I think what the point is, is that clearly  
6 we are in a position, there is a great deal of  
7 rationale and impetus for a complete re-evaluation of  
8 these areas in terms of Swordfish by-catch as well as  
9 all by-catch, and that we need to sharpen our focus,  
10 increase the resolution, when these lines were drawn  
11 in that process in 1999-2000, it was a fair -- these  
12 lines were drawn fairly aggressively. And, there were  
13 limited abilities to refine those areas based on the  
14 data and the enforcement tools available to you. I  
15 think we are in a position now, of such a greater  
16 level of understanding and having improved tools at  
17 our finger tips that we can start to look for ways to  
18 achieve the objectives, the by-catch objectives of  
19 these areas, while as the Magnuson Act asked us to do,  
20 minimize adverse economic impacts on the fisheries  
21 that are not justified by the cost and benefit of by-  
22 catch reduction.

23 And so I think that this exercise provides  
24 us an opportunity to do that. There may be revisions  
25 to the time/area closures that can increase our by-

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1 catch reduction abilities as well as to reduce the  
2 adverse economic impacts on the fishery that it is not  
3 justified by looking at, you know, some discrete  
4 revisions to the existing areas. I'm looking at my  
5 notes to see if I left anything out. I'm sure I've  
6 rambled on but that's the -- that's sort of the  
7 premise we want you to have that as an option  
8 available to all those areas. Thanks.

9 MODERATOR CHRISTOPHER ROGERS: Thank you.  
10 Nelson?

11 MR. BEIDEMAN: Again as Glenn has said, a  
12 lot has changed since 1999-2000, when this was all  
13 under development. Back then, it was very difficult  
14 to look at anything less than like a 2 by 2 area.  
15 Because enforcement wanted a large area and some of  
16 the data would only, you know, wasn't revived. Today,  
17 we've got better data. We've got BMS enforcement. I  
18 think that's an important factor.

19 Today, we have a 100 percent circle hooks  
20 and careful handling release. Where we had an active  
21 fleet of 160, 180 vessels, when this was being  
22 developed, we've got a fleet of 105 active of vessels.

23 Also, it's, you know, it's critical what Glenn  
24 pointed out. We have approximately a 3900 metric ton,  
25 country specific Swordfish quota that we're using only

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1 approximately 2400 metric tones of. And, we've gone  
2 into ICCAT with promises, well, we we're working on  
3 this ESA stuff and we've got research going and you  
4 know, we've been manipulated our Swordfish fleet.  
5 Well, promises and words aren't going to work at the  
6 re-allocation in 2006.

7 Bottom line is, if the United States doesn't  
8 show, demonstrate to the other ICCAT nations that it's  
9 taken steps to fully utilize its ICCAT quota, we're  
10 not going to have it after the, you know, next re-  
11 allocation, that's bottom line in ICCAT. We will be  
12 proposing adjustments. We look forward to  
13 adjustments. A fully rebuilt Swordfish stocks still  
14 needs protections. We still believe in protecting the  
15 juvenile Swordfish, but certainly not the severe  
16 restrictions that were put in place for a rebuilding.

17 Basically, what we are looking at is adjusting the  
18 offshore boarders of several of the existing all  
19 time/area closures.

20 It's always been our contention that the  
21 primary by-catch problem is the inshore shallow depth  
22 areas and the offshore deeper depth areas can be more  
23 cleanly fished, less by-catch and a viable fishery.  
24 And also maintaining the inshore areas keeps a buffer  
25 for reducing gear conflict between the recreational

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1 and commercial fisheries. I don't know that it's  
2 necessary to get into the June closure but we suggest  
3 that the June of Bluefin Tuna closure be re-evaluated  
4 in light of the 100 percent circle hooks, careful  
5 handling release and the new catch criteria, which has  
6 only been in place for a short time and needs a little  
7 bit of time to see what it's effect on the fishery  
8 will be.

9 The big question, you know, comes down to  
10 whether or not the U.S. is going to actually take  
11 steps to re-invigorate its Swordfish fishery to fully  
12 utilize the quota. And that's, you know, that's  
13 something that I think everybody should take a very  
14 serious look at because we will loose, as far as, you  
15 know, time/area closures and evaluating the existing  
16 or evaluating any additional, you need to look at all  
17 gears.

18 We all know that hook and line fishing has  
19 post-release mortality. It can't be ignored. In some  
20 cases it may be very substantial. It cannot be  
21 ignored. All gears do need to be looked at. And also  
22 a, you know, its - there's a very - you know, very  
23 considerable safety factors involved in the time/area  
24 closures. When you're forcing small boats to go  
25 hundreds of miles further offshore, there is a lot of

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1 safety considerations, and anyone that fishes on  
2 highly migratory species knows that they tend to  
3 congregate on various features. So, you know, just  
4 going 50 miles in any one direction may not put you on  
5 highly migratory species unless it's a bottom contour  
6 that creates uplifting or an edge of water you know,  
7 consistent edge such as the Gulf Stream.

8 When you close off one area, it may be  
9 several hundred miles before you can go to another  
10 viable fishing feature. So, safety is a big concern.

11 Basically on behalf of, you know, the fishery that  
12 has pretty much led the way on re-building Swordfish  
13 and is currently leading the way on by-catch  
14 friendlier, you know, circle hooks and careful  
15 handling release, we look forward to reasonable  
16 adjustments that would allow a viable U.S. fishery  
17 while still protecting, you know, by-catch. And, we  
18 think that can be done.

19 MODERATOR CHRISTOPHER ROGERS: Thank you,  
20 Nelson. Gail Johnson.

21 MS. JOHNSON: Thank you. First of all, the  
22 reduction in by-catch is laudable and it has not only  
23 to do with the closed areas but also something to do  
24 with a number of boats that are now fishing, because  
25 that's quite reduced. The evaluation of the closed

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1 areas, I almost think that you need to evaluate the  
2 changes in catch and mortality of that, of the by-  
3 catch, when we were using circle hooks because that's  
4 a fundamental change.

5 And I think that's the horse that comes, at  
6 least slightly before the cart, of the areas. And, in  
7 evaluating these areas of particular interest is, as  
8 Nelson said, the outside of the east coast of Florida,  
9 any place that the smaller boats have to go or that  
10 were relatively not well defined when we put them in  
11 place in the first place. Also, the Bluefin closed  
12 area.

13 One of the things that, over the years has  
14 stuck in my mind and I haven't seen it -- I haven't  
15 read the whole document, but I haven't seen that  
16 practicability word in there. And in the objectives I  
17 didn't specifically see -- I saw a lot of about re-  
18 building, restoring, conservation and in -- for  
19 Billfish I saw, you know, maintaining the highest  
20 availability and vibrant -- not these words but the  
21 idea of a vibrant recreational fishery.

22 And as Jack had said, I think perhaps one of  
23 the objectives that needs to be in there, and the  
24 closed areas are relevant to it, is to keep a viable  
25 or maybe vibrant Longline fishery for food production.

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1 And, also for our ability to keep on being able to  
2 affect negotiations and actual transference of these  
3 kinds of technologies to avoid Sea Turtles and White  
4 Marlin and using the circle hooks.

5 Is it ultimately practicable for the United  
6 States to make more closed areas? Because it's not  
7 clear to me as you were going through them. To my  
8 admittedly uneasy -- where I sit here, I'm looking at,  
9 oops are they going to make more of them? So, keep it  
10 in mind and I know you do, how much is actually  
11 practicable considering where we are in the total  
12 Atlantic catch and how the best way that the United  
13 States can effect conservation in the Atlantic through  
14 the ICCAT arena. Thank you.

15 MODERATOR CHRISTOPHER ROGERS: Thank you,  
16 Gail. Ken Hinman?

17 MR. HINMAN: Thank you, Chris. Now, for  
18 something completely different. In going over the  
19 effectiveness of the existing closures and your  
20 analyses of that, it was mostly quantitative in terms  
21 of the numbers, percent reductions from pre-closure  
22 days and maybe measuring them against what was  
23 projected to be effective to closures but didn't  
24 really hear up a qualitative judgment from NIMPS on  
25 the effectiveness of the closures, but I would assume

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1 that you probably would agree that they have been very  
2 effective in reducing the by-catch and discards of the  
3 whole range of species.

4 Overall, I guess it's more than 30 percent  
5 reduction in by-catch, for some species, Billfish in  
6 particular it's over 50 percent. I think, I would  
7 argue that these closures have not only been effective  
8 in the past but are effective now and are needed in  
9 the future. Most of these species, billfishes in  
10 particular, are still overfished Bluefin Tuna are  
11 still overfished and a number of the sharks are still  
12 overfished.

13 It's been pointed out that protecting  
14 juvenile Swordfish was the main impetus for the choice  
15 of the southern Longline closures, and that's true.  
16 But I would disagree very strongly that we are now in  
17 a position where those closures are not needed anymore  
18 or that they are not providing, or will not in the  
19 future provide, benefit to the Swordfish population  
20 and I think even the Swordfish fishery.

21 We don't know what the 2006 Swordfish  
22 assessment is going to say. So we really can't  
23 speculate. Hopefully it will show even more  
24 improvement than we saw in the 2002 assessment. But  
25 in the 2002 assessment the biomass, that was talked

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1 about of being near rebuilt to the MSY level, was  
2 primarily juvenile fish, 75 percent of them were fish  
3 that had never spawned.

4 And, we need to continue to protect young  
5 Swordfish, not just under the minimum size but young  
6 Swordfish in general, because we need to rebuild this  
7 population to a large adult population that will  
8 sustain a fishery for the future. I think the best  
9 way to increase our catch of our ICCAT quota is to  
10 continue to rebuild the Swordfish population where we  
11 have a large -- a larger population of large  
12 Swordfish.

13 Overfishing of sword fish occurred because  
14 the Longline fleet moved southward from a  
15 traditionally New England Fishery, which meant  
16 catching a lot of -- lot more juvenile sword fish.  
17 And I think to reopen these Swordfish area -- closed  
18 areas to Swordfishing in order to rebuild or to take  
19 our ICCAT quota, I think will have the effect of  
20 retarding that Swordfish rebuilding. Actually,  
21 probably, possibly just sort of freezing that recovery  
22 where it is now. Never seeing the return of the New  
23 England Fishery, return of the New England hand gear,  
24 conventional hand gear fisheries.

25 And, I think it would also be trading that

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1 for a large increase, which has been really a bonus of  
2 these closures in reduction of by-catch of a lot of  
3 billfish and sharks. So. I would argue that we not  
4 only -- we need to keep these closures in effect. I  
5 don't have a problem with modifying their boundaries,  
6 if we can show that it's at least conservation  
7 neutral. If there are ways to draw those lines and  
8 achieve the same kinds of results and actually allow  
9 more, you know, more directive fishing for other  
10 species, I don't really have a problem with that. As  
11 long as it is least conservation neutral but I would  
12 argue that we probably need to look at modifying them  
13 in some ways to protect both White Marlin as Shana  
14 pointed out and Bluefin Tuna. I don't know what those  
15 are, I think some areas have been identified in the  
16 mid Atlantic on the outer edge of the Florida east  
17 coast closure in the Western Gulf. You know, you need  
18 to do some of those analyses to see really what we  
19 could get out of some of those closures and what  
20 effect they would have on the Longline fishery as  
21 well.

22 The other thing I want to point out is that  
23 there's been a 15 percent reduction in effort in the  
24 Longline fishery during the period you're measuring  
25 the effectiveness of these closures, and so I would

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1 like to see some kind of projections on, you know, if  
2 that -- if there were to be a 15 percent increase in  
3 Longline effort in the fishery, what would that do to  
4 those numbers that we have there? You know, would it  
5 erase a lot of that conservation benefit we've seen.  
6 So, I think we really need to take a look at that  
7 before we start reopening some of these areas.

8 On Sawfish, I think this is obviously a  
9 desperately endangered animal and I think to the  
10 extent we can look at something that can be done in  
11 South Florida to help them, we should. It looked like  
12 the numbers of interactions in the HMS fisheries were  
13 very small down there. And I wonder -- I didn't hear  
14 much about what other kinds of fisheries are  
15 interacting inshore fisheries, whether there is -- I  
16 know most of the net fisheries are not operating in  
17 Florida, but are there other fisheries that are  
18 interacting with these things? But I think this panel  
19 and this FMP should, if it's not proposing closures on  
20 the HMS gears, it should be recommending what kind of  
21 gears really need to be taken out of those areas to  
22 protect Sawfish which is something that comes under  
23 the -- our jurisdiction.

24 MODERATOR CHRISTOPHER ROGERS: Thank you,  
25 Ken. Rich Ruais?

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1 MR. RUAIS: Yes, yes.

2 MODERATOR CHRISTOPHER ROGERS: Yes that --  
3 you look under that mike, it'll have your name on it,  
4 bottom of it.

5 MR. RUAIS: Thank you, I'm sure that coming  
6 after Jack, Jaime, Glenn, Gail, there's nothing  
7 original that I can say at this point. But I did want  
8 to say that I was impressed with Chris' presentation  
9 where he documents double-digit reductions in by-  
10 catch, 30 percent, 50 percent, 28 percent. To me  
11 that's a, you know, a demonstrable fact that you have  
12 an incredible cooperative conservation effort by the  
13 Longline fishery and at some point in time, it's --  
14 there has to be some reward for that type of  
15 conservation. I think clearly closures totaling three  
16 quarters the size of the continental United States, in  
17 light of these reductions, in light of the progress of  
18 the Swordfish recovery, it's excessive, and I simply  
19 hope that NMFS will work with the industry.

20 Contrary to Ken, I didn't hear any of the  
21 prior speakers talking about eliminating closed areas.

22 I heard refining, work with us to look for the areas  
23 where we can have a balance between an economically  
24 viable and growing Swordfish industry and recovering  
25 billfish and Swordfish stocks. The only other point

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1 I'd make is to back up what Glenn said. I mean, we  
2 see this at ICCAT all the time. If you want a voice,  
3 if you want influence in the conservation efforts,  
4 you've got to have quota share. If you lose quota  
5 share, you lose your voice and you lose influence.  
6 Thanks.

7 MODERATOR CHRISTOPHER ROGERS: Thank you.  
8 Will Gerencer.

9 MR. GERENCER: Thanks. I'm a big fan of  
10 closed area management, in spite of the economic  
11 hardship that it places on a large part of the  
12 industry. I'm also a ground fish advisor in New  
13 England and we carry 8,300 square miles of year round  
14 closures up there, which is roughly the size of  
15 Massachusetts, Connecticut, and Rhode Island, then  
16 another 30,000 miles of rolling enclosures that --  
17 seasonal closures, which you could add up roughly the  
18 size of the State of Maine, and by scale that's a lot  
19 of our fishing bottom. At one time or another it was  
20 closed.

21 And we have allowed access, harvesting  
22 access back into the closed areas because they had  
23 been so successful on at least three species;  
24 scallops, haddock, and yellowtail flounder. And it's  
25 not done willy-nilly. I mean, we don't say, "Okay,

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1 we've been successful now. We're going to open them  
2 up again." And one of the reasons for scallop access  
3 was, there were a lot of scallops in there. But also  
4 there is a conservation benefit you can realize  
5 because the scallop boats weren't fishing nearly as  
6 long for as many scallops. In other words, the drags  
7 weren't impacting the bottom. They might have the  
8 drag on the bottom for two or three hours for an  
9 entire trip as opposed to, you know, several days for  
10 a trip. Because they're catching so much and they are  
11 spending most of their time shucking the scallops.

12 So my point is that access to harvesting  
13 closed areas needs to be done -- and I agree with it -  
14 - needs to be done with some forethought. I mean,  
15 we're training our skippers now how to interact with  
16 turtles, and we're looking at other kinds of by-catch  
17 workshops which may well be mandatory, and if we've  
18 got a fishing fleet that has participants that are  
19 this well-trained, then there is a case to be made  
20 for, you know, can we train them and can we learn how  
21 to go into some place and not interact with smaller  
22 Swordfish. And if those kinds of things that -- can  
23 be done, then that's the way I think we should  
24 approach it.

25 You know, in addition, we're -- we have the

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1 VMS component now on the boat. So it makes that kind  
2 of management a lot easier, you know. The goal of the  
3 closed area is to rebuild the stock. And at some  
4 point we need to think about rebuilding our fishery  
5 because ICCAT doesn't give a quota share back and  
6 unless we can figure out how to fly a flight of F-111s  
7 backwards through Spain. We're going to be stuck with  
8 30 percent, and that stands a very good chance of  
9 going down. And once we lose it, we won't get it  
10 back, and there will be no fishery to rebuild it, if  
11 we don't hang on to that quota share. And I -- I'm  
12 proud that we probably have a greater passion for  
13 conservation of these kinds of species in this country  
14 than anybody else in the world does, and I prefer to  
15 see us maintain that quota share because that way we  
16 will continue to harvest that in a sustainable manner.

17 Thank you.

18 MODERATOR CHRISTOPHER ROGERS: Thank you,  
19 Will. Louis Daniel?

20 MR. DANIEL: Thank you, Chris. And I will  
21 remind you that, you know, we'll talk about the shark  
22 closure. I'm not going to talk about it now. But  
23 certainly this -- it pertains to this issue, when we  
24 get to that later. So I may have to kind of step back  
25 a little bit tomorrow. Certainly, I agree with the

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1 comments made on the quotas and the need to be able to  
2 modify these time/area closures in order to have full  
3 access to catching the quotas. A lot of folks have  
4 worked awful hard to try to get us where we are today.

5 And when we see so much tonnage left over at the end  
6 of the fishing year, to lose that would be devastating  
7 to our rebuilding efforts.

8 As far as your evaluation, I would say that  
9 you need to look at recoupment. What else are these  
10 guys doing? Fishermen are hardworking folks, and when  
11 you can -- when they can't fish, they don't go home  
12 and watch cartoons. They do something else. And  
13 that's my concern about this whole plan. And the --  
14 particularly, the closure off North Carolina, but all  
15 the closures. And that is what we're seeing these  
16 guys do in lieu of what they would normally do in  
17 these closed areas. And in -- from some analysis that  
18 I've done in North Carolina, instead of fishing a --  
19 instead of fishing a bottom Longline, they're fishing  
20 6,000 to 8,000 yards of gillnet, with the by-catch  
21 concerns associated with that gear, as well as the  
22 interaction with protected resources.

23 So I think we're extraordinarily myopic in  
24 our management of some of these fisheries, not taking  
25 into consideration the impacts of some of the

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1 management measures that we put into place. And it's  
2 clear that NMFS is very interested in, and trying to  
3 be forethoughtful in moving towards a eco-system's  
4 fisheries management program. And we're not going to  
5 be able to do that, if we continue to look at single  
6 species management and some of these closures the way  
7 that we've looked at them in the past. And so  
8 certainly, there are ways that this group of folks can  
9 sit around a table and figure out the most efficient  
10 way to manage the resource, get what we want without  
11 having an unnecessary burden on the fishermen, which I  
12 think we're doing at this particular point in time  
13 with some of these closed areas.

14 So, be more to come on this, lot more to  
15 come. But I do think it's important to look at the  
16 movement of these fishermen out of these fisheries  
17 that they're closed out of and what else they're  
18 doing, because in many instances the impacts are  
19 contrary to our charge under Magnuson to reduce by-  
20 catch. In some fisheries, there are by-catches going  
21 up when they move out of some of these closed areas.  
22 And so I think it creates a real problem that we need  
23 to be more cognizant of as we continue to add on to  
24 closed areas and closed seasons.

25 MODERATOR CHRISTOPHER ROGERS: Thank you,

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1 Louis. Bob Pride.

2 MR. PRIDE: Thanks, Chris. A couple of  
3 things, the first one is I do agree that the closed  
4 areas appeared to have worked. I don't object to  
5 tweaking them and taking a look at how to make them  
6 more efficient those for achieving their objectives  
7 and for the industry to have more access to the  
8 fishing grounds. The point that Ken made about effort  
9 decreasing during these closures is something that I  
10 would also be interested in learning more about. And  
11 finally, the -- this is not the appropriate venue to  
12 discuss it, but I'd like for you to tell us when we  
13 can talk about ways that we might increase the  
14 utilization of that quota that we're leaving on the  
15 table at this point.

16 MODERATOR CHRISTOPHER ROGERS: Thank you,  
17 Bob. Ellen Peel.

18 MS. PEEL: Well, I'm going to repeat, but I  
19 hope it's taken as reiteration of a lot of the  
20 comments said. Obviously, in terms of marlin and all  
21 the other species, it's going -- the U.S. is a small  
22 percent of the mortality. It's going to take U.S.  
23 fishing interests, plural, going to ICCAT in order to  
24 have a voice to negotiate for a recovery of,  
25 certainly, marlin and other species. The issue of

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1 Swordfish, it was right, we're going to lose the  
2 quota, if we don't use it. That though, raises the  
3 question, I think, that Bob Pride was hitting on. We  
4 have a lot of questions from anglers saying, "If the  
5 U.S. cannot take the quota and if the Longline fishery  
6 is not going to be able to take it, why are there bag  
7 limits on the recreational fishery?"

8 Our response is, it was identified as a  
9 critical life stage for a nursery ground for  
10 Swordfish. Is all the juvenile Swordfish present all  
11 year or is this a seasonal aggregation? I don't know.

12 But certainly perhaps, that should be looked at.  
13 Beginning with the acknowledgement that we've got an  
14 international problem and we've got to keep an eye on  
15 what we collectively can do at ICCAT. Unfortunately,  
16 we also have a domestic problem with the ESA facing  
17 us, to that or springing from that, specific to White  
18 Marlin. My recollection at the chart that Chris put  
19 up earlier and some of the analyses that Dr. Goodyear  
20 did back in '98, in the Gulf of Mexico, in that  
21 western -- more western central gulf, my recollection  
22 was for about a three month period, the interaction  
23 with White Marlin was higher there than it was in some  
24 of the other areas on the east coast.

25 That perhaps should be evaluated. The

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1 numbers I took down, Chris, were 31, 55, and 418. But  
2 back in '98 and '99, I know this area was recommended,  
3 but it was not included. I thought that it was a  
4 higher rate. That should be looked at compared to  
5 some of the other areas. Then to the point of circle  
6 hooks that are now mandatory now in the industry.  
7 What sort of impact, you know, might that be having?  
8 Your numbers, Chris, went through '03. The circle  
9 hook mandatory use went into effect, what, in '04. So  
10 that may reduce some of the White Marlin by-catch  
11 there as well.

12 What impact do you have numbers yet, are  
13 those hooks having on the directed Yellowfin Tuna  
14 fishery? Certainly, that has to be looked at. But I  
15 think looking at that -- those numbers in that western  
16 central gulf certainly should be considered in light  
17 of those other very real realities you have to deal  
18 with.

19 MODERATOR CHRISTOPHER ROGERS: Thank you  
20 Ellen. Russ Nelson?

21 MR. NELSON: Yes, I mean, getting stuck here  
22 in the middle of the table makes it very difficult to  
23 come up with anything original to say.

24 SPEAKER: We're using a --

25 MODERATOR CHRISTOPHER ROGERS: I promise

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1 the next time I'm going to start in the middle.

2 MR. NELSON: There you go.

3 MODERATOR CHRISTOPHER ROGERS: Question is  
4 which direction do I go when I get there?

5 MR. NELSON: One observation, and in this, I  
6 guess, I'm think of this, given that we're going to  
7 have a big national fisheries conference here in town  
8 in a few days, and a number of people have brought up  
9 this whole idea about a ecosystem type management,  
10 what does it mean, and how confusing it is. But one  
11 observation I kind of get from this is that we've now  
12 talked about a couple of different fisheries. The two  
13 closed areas in the Gulf of Mexico that were closed by  
14 the Gulf Council to protect aggregations, identified  
15 aggregations of gag grouper, were that council could  
16 take actions for certain gear, but couldn't prevent  
17 bottom Longline gears. So this group has to -- the  
18 National Marine -- the HMS office has to try to deal  
19 with that.

20 We're looking at Sawfish and their  
21 endangered status and not a major interaction with HMS  
22 gear, but the major interaction with other gears,  
23 like, trawl, shrimp trawl gear, where this group has  
24 to worry about Sawfish. But they can't do anything  
25 about that kind of gear that's bothering it. At the

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1 end, I just think that there are still some structural  
2 problems here we have in this country with how we have  
3 management set up that keeps us from addressing some  
4 of those ecosystem issues. I was looking at the, you  
5 know, the table and it's great that, you know, we do  
6 have these apparent reductions and discards, and all  
7 that are attributed to all of these parts of the  
8 closed areas.

9 I tried to think back to when we were  
10 talking about this, six-seven years ago, when we  
11 started looking at it. And I recall there was a paper  
12 by Jean Cramer that looked at observed -- trips that  
13 were observed by actual observers and their reported  
14 relative discards in the same times and areas as  
15 logbook only trips, where there were no observer's  
16 presence, and it wasn't very surprising. There was a  
17 difference. Could it be possible that some of those  
18 predictions that were made back in 1999, trying to  
19 look at what the impacts of these closed areas would  
20 be, may have been using the adjusted data, adjusted to  
21 account for the difference between observed trips  
22 versus unobserved trips.

23 The new data that you -- the data that  
24 you're presenting here is, clearly, just what's been  
25 reported in the logbooks, it hasn't been adjusted, so

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1 there might be some -- we might not be looking at the  
2 same numbers exactly or we might. That would be a  
3 good thing to clarify for us in developing your next  
4 document, Chris or Margo. You -- I like the way  
5 you've presented the data here. But it could be -- it  
6 would be possible and I think it would be very helpful  
7 for everyone, if you would take you Table 3.116, where  
8 you look at the distribution of hooks per area and try  
9 to combine it with 3.114, where you've got changes in  
10 catch.

11 It might be -- you might need to do a table  
12 for each area, but -- so that we could actually look  
13 at each area and look at how the change in  
14 distribution of effort or the number of hooks has  
15 specifically affected the catch, both kept and  
16 discarded and by-catch within each of those areas.  
17 Particularly, I think, given the discussion about some  
18 folks' desire to alter the current closures, that  
19 having it broken down into a more finer resolution  
20 like that would be helpful. And I would like to  
21 caution people too, before we become too, you know,  
22 polyanna(phonetic) is about the switch to circle hooks  
23 in the Longline fishery, which definitely is going to  
24 have a major positive impact on the turtle  
25 conservation, which -- we do need to take a look at

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1 some good data on what has happened --what happens  
2 with finfish catch, and by-catch, and survivability  
3 based on that.

4 I think I recall from the -- some of the  
5 work that was done on that. In fact, shark -- or at  
6 least blue shark catch increased in the Longline  
7 fisheries on the circle hooks versus the J-hooks.  
8 That area up there was certainly not conducive to  
9 looking at billfish in general, which are warmer water  
10 species. But we need to look at it. Certainly, the  
11 fish are going to be in better condition, I think,  
12 with the circle hooks. But we also need to look and  
13 see if there is any increase in hookup efficiency or  
14 catchability associated with that, that might off set.

15 So that's just another piece of good science and good  
16 data that we need to take a look at. Thank you.

17 MODERATOR CHRISTOPHER ROGERS: Thank you,  
18 Ross. Bob, Bob Zales?

19 MR. ZALES: Yes, I would just want to  
20 encourage you to come up with a compatible regulations  
21 for the Madison-Swanson and Steamboat areas, and in  
22 your comments and your cons in here, because we went  
23 through something similar to this with the reef fish  
24 fishery and also the coastal pelagics fishery in  
25 there. And the economic burden that you talk about,

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1 it could have an economic burden on HMS fisheries in  
2 these areas, including the shark bottom Longline  
3 fishery. Madison-Swanson, which I'm very familiar  
4 with is 100 square miles and there doesn't appear to  
5 be a significant shark fishery in that particular  
6 area.

7 And it certainly wouldn't be anymore  
8 significant than the reef fish fishery -- commercial  
9 reef fish fishery was in that area. So if we can't  
10 envision too much of a problem there. And in the  
11 pelagic Longline fishery, I don't ever remember seeing  
12 a pelagic Longline laid in that area. There could  
13 have been one around there, but I haven't seen it, and  
14 I have fished it for years and people that I have  
15 talked to, they do fishing a whole lot longer than me,  
16 haven't seen that much in there. The -- we're talking  
17 about the (inaudible) year round burden on the non-  
18 trawling sector of the recreational fishery, that  
19 would be the reef fish fishermen. And initially when  
20 Madison-Swanson was set up, there were some minor  
21 comments about some of the recreational reef fish  
22 fishermen.

23 But today, when you get in that area, I  
24 would challenge you to find any recreational fishermen  
25 to say that that area hasn't done a good thing, and

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1 that are going to complain about being shut out of  
2 that area for reef fish, for doing the purpose that it  
3 was designed to do, to protect spawning aggregation of  
4 gags. And the surface trawling part of it is -- we  
5 talk about it may be difficult to enforce. It's one  
6 of the problems with enforcement that we've constantly  
7 heard is the fact that you allow bottom Longline shark  
8 fishery, the pelagic thing, and that creates a problem  
9 in enforcement.

10 There have been several cases made of  
11 enforcement and the biggest one, I guess, would be  
12 Greg Abrams with a \$80,000 fine that he got for  
13 fishing in there. But if you can bring it compatible  
14 to what the Gulf has done, that would dramatically  
15 increase the enforcement effort. It'd make it a lot  
16 easier to do. So we would encourage you to do that  
17 for that area there. Thank you.

18 MODERATOR CHRISTOPHER ROGERS: All right,  
19 thank you. Bob Hueter.

20 MR. HUETER: Thank you, Chris. I just want  
21 to say a brief word about the Sawfish. I just want to  
22 say that I personally am not a big fan of overreaction  
23 to the plight of charismatic species. And I deal  
24 with this myself in scientific collection operations.  
25 So I'm not a charismatic species hugger myself. But

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1 in the case of the small tooth Sawfish, this is truly  
2 a unique and special part of our marine biodiversity  
3 with this outrageous saw. These animals are relatives  
4 of the sharks. They are the largest species of ray;  
5 get to be about 20 feet long, used to. If anyone  
6 wants to see pictures of animals that big, I've got  
7 them on my computer back here.

8 On that map up there, if you look up there,  
9 there used to be common inshore all the way from the  
10 Texas border up to Chesapeake Bay. Probably, perhaps  
11 millions of animals before the early 1930s and after  
12 gillnets were introduced into inshore waters, they've  
13 been extirpated down to, approximately we estimate,  
14 several 1000 animals left in the Florida Everglades.  
15 So, as you know, this species was listed under the ESA  
16 as the first fully marine fish to be declared  
17 endangered in U.S. waters, thanks to the efforts of  
18 Sonja and others like her. And in this particular  
19 case then, given all of that, I would say that in the  
20 case of the -- the small tooth Sawfish, every  
21 individual fish may count.

22 And I don't say that lightly, as a  
23 scientist. I don't believe that in many cases, but I  
24 do believe that in this particular case that every  
25 individual Sawfish that is protected, that is saved

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1 from mortality, one way or the other, does count in  
2 terms of rebuilding the population of these very  
3 special animals. So to that extent, I would ask NMFS  
4 to go the extra mile in protecting this particular  
5 species, which -- we're not talking about it possibly  
6 being on the endangered species list. It is declared  
7 endangered species. The other fisheries interacting  
8 with it beyond the bottom Longline fishery, Russell  
9 already mentioned, the shrimp trawl fishery, that's  
10 true. Recreational hook and line is the other major  
11 interacting fishery, let's not forget that.

12 But in the case of the bottom Longline  
13 fishery, even though -- if you'll look in the  
14 document, the numbers appear to be very small. Those  
15 are the observed numbers. And it talks about how 100  
16 percent of those fish were released alive. Well, we  
17 don't really know what the post release mortality is  
18 on these animals. They probably are very tolerant of  
19 hooks. But, 100 percent, I'm not sure. So in this  
20 case, in which every individual animal probably does  
21 count, I think we should go the extra mile in  
22 protecting this species. Thanks.

23 MODERATOR CHRISTOPHER ROGERS: Thank you.  
24 Sonja.

25 MS. FORDHAM: I'm all choked up.

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1 (Laughter)

2 MS. FORDHAM: You can write down that I  
3 agree with everything that Bob said. But just to  
4 follow up and to clarify, the recovery -- the Sawfish  
5 recovery team is looking at all fisheries and all  
6 threats. And I think that process is thorough, it's  
7 not very speedy, though. So I would again like to  
8 commend you for coordinating -- I assume you're  
9 coordinating with your protected resources people.  
10 And I'm really glad to see that it's really  
11 encouraging. Because this process is so slow, again  
12 it's an opportunity to get some urgently needed  
13 protective measures, and before the recovery plan is  
14 complete. I assume you'll continue to work with your  
15 protected resources people when designing this  
16 proposed closed area. And I assume you know that Mote  
17 Marine Lab is doing the real cutting edge research on  
18 Sawfish, and I'm sure we'll be happy to consult in  
19 that design.

20 You should keep in mind that the Sawfish  
21 recovery team is meeting in June at Mote. So I'm  
22 hoping maybe the draft will be out by then and we  
23 could comment as a group or take a look at it as a  
24 group. So I look forward to that. I do need to  
25 consult with my turtle people about effects on --

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1 closure effects on turtles. But I can tell you that  
2 my fish colleagues strongly support the proposed  
3 complimentary measures in the Gulf of Mexico to  
4 protect gag grouper and we're very appreciative that  
5 that's in the pre-draft. Thank you.

6 MODERATOR CHRISTOPHER ROGERS: Thank you,  
7 Sonja. Frank Blount.

8 MR. BLOUNT: Yes, thank you, Chris. As  
9 Russell said, it's hard to come up with anything new  
10 at this stage of the game. But I agree totally with  
11 what Bill Gerencer said and also with Bob Pride. But  
12 Bob Pride also left you with a question that I'm not  
13 sure if we got an answer to. When would the  
14 appropriate time to discuss ways to increase the  
15 Swordfish catch be on the agenda?

16 MODERATOR CHRISTOPHER ROGERS: Why not take  
17 a look at the agenda and I'll report back right after  
18 lunch, where we could fit that in?

19 MR. BLOUNT: Okay, thank you.

20 MODERATOR CHRISTOPHER ROGERS: Mike Leech?

21 MR. LEECH: Couple of things: one, I'm  
22 confused on why we manage Bluefin Tuna as an east and  
23 west stock and there's so much mixing of the two  
24 stocks. And yet, White Marlin and Swordfish, which  
25 are very definitely east and west stocks -- the last

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1 information I saw, in the last 50 years, it was maybe  
2 three White Marlin that had been documented as  
3 crossing the Atlantic, and maybe four or five  
4 Swordfish, maybe that's changed. But, basically, the  
5 White Marlin that are over in the Azores, and the  
6 Canary Islands, and Morocco aren't coming over here,  
7 and the ones that migrate from the northeast through  
8 the Gulf of Mexico and down to Venezuela don't go over  
9 there.

10 I think what we need to be concentrating on,  
11 and this, I'm sure, is an ICCAT issue, is protecting  
12 the White Marlin and the Swordfish on our side of the  
13 Atlantic, and not worrying about the Atlantic white  
14 and what the Spanish are doing over there because it  
15 really doesn't affect our stocks of fish. That's one  
16 point that I think should be addressed. And I'm  
17 probably in the minority when I'm questioning whether  
18 or not Swordfish have really been rebuilt. There is a  
19 lot of baby Swordfish out in the Straits of Florida.  
20 No question that there is a lot more Swordfish than  
21 there used to be three or four years ago.

22 But the statistics that we've developed from  
23 all the Swordfish tournaments and also talking to the  
24 hand-gear commercial guys is that about 3 or 4 percent  
25 of the Swordfish that are caught are -- have reached

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1 the 150-pound average spawning size, where a female  
2 will spawn for the first time. Which means 96-97  
3 percent are juvenile Swordfish and I don't consider  
4 that rebuilt. What I consider rebuilt is when you've  
5 got a healthy spawning stock biomass and not just a  
6 bunch of babies. The statistics I'm looking at,  
7 though, are only in the Straits of Florida. I have no  
8 idea what's going on in the rest of the Swordfish  
9 range.

10 But I think that's a major concern and just  
11 because we've got a lot of babies out there, doesn't  
12 mean, at least in my mind, that we've rebuilt the  
13 fishery. One of the things that I think NMFS needs to  
14 do a contract to have done is do a socio-economic  
15 study of the value of the recreational Swordfish  
16 fishery that's sprung up in the last four, five, six  
17 years, and also the value of the commercial hand-gear  
18 fishery that's become quite substantial. There is a  
19 bunch of hand-gear guys out that are allowed to fish  
20 in the closed area. And if you're going to evaluate  
21 the economic impacts of these closed areas, you also  
22 need to factor in the benefits of the economic  
23 increases that have come from these others. If you  
24 don't do that study and you have no information, how  
25 can you evaluate the economic impacts? Because one

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1 may offset, or partially offset, or maybe more than  
2 offset the other, we just don't know because there's  
3 been no information generated on that. So I would  
4 urge you to do that socio-economic homework.

5 The tournament statistics: now, we've got  
6 three years of tournament statistics. Last year there  
7 were eight Swordfish tournaments. The catch rate and  
8 the average size of the tournament catches are going  
9 down, not up. That's something to be concerned about.

10 And also it's almost impossible to get up-to-date  
11 statistics from NMFS on the hand-gear guys. 2004  
12 statistics is a military secret, but 2002 versus 2003,  
13 the catch rate and the average size is going down for  
14 the hand-gear guys too in the Straits of Florida. So  
15 everything may not be as rosy as everybody seems to  
16 think it is. No question that the closed areas have  
17 been successful. And I would question why we would  
18 want to mess something that's been successful.

19 MODERATOR CHRISTOPHER ROGERS: Thank you,  
20 Mike. Any other speakers? Rick Weber.

21 MR. WEBER: First thing I'd like to do is  
22 echo -- Mike's at least concerned that rebuilding may  
23 not have occurred on a slow-growing fish and in a --  
24 in what appears to be a relatively short time. I'm  
25 happy that we're seeing signs, but something just

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1 doesn't feel like we're up to a really rebuilt  
2 situation. Echoing what everyone has said, or most  
3 people have said is that those closures were also put  
4 in for Swordfish. In truth I'm still looking for an  
5 action that is directed towards marlin. Even the  
6 circle hooks that we're discussing were put in due to  
7 turtles. The closures that we're happy are helping  
8 the marlin were put in for Swordfish.

9 Imagine what we could do if we did something  
10 that was directly aimed for the marlin. And we do  
11 have things in the near future that could be causing  
12 that, you know. We should at least look at closures  
13 that will be aimed at helping marlin.

14 MODERATOR CHRISTOPHER ROGERS: Okay, thank  
15 you, Rick. Bob Fitzpatrick.

16 MR. FITZPATRICK: I'd have a whole lot to  
17 say, but I've learnt that at times I should shut my  
18 mouth. I'll pass.

19 MODERATOR CHRISTOPHER ROGERS: We respect  
20 your decision. John Graves.

21 MR. GRAVES: First of all, representing the  
22 Advisory Committee, I want to point out that with the  
23 U.S. not taking its quota, that in 2006 with the  
24 allocation discussions, we will use it if -- we will  
25 lose it if we don't use it. And in fact, if you look

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1 at it in '06, we're going to be having -- the best  
2 data would be '05. We're in -- you know, we're going  
3 to start the '05 fishing year. There is not a lot of  
4 time. And if people are -- you know, we can talk  
5 about a North Atlantic white stock. But if you look  
6 at where -- that our most serious vocal quota grabs  
7 are going to come from, it's going to come from our  
8 neighbors to the south, Mexico is going to be there.  
9 And so think about the implication of that. Is Mexico  
10 going to have a fishery that's a -- that has -- takes  
11 the mitigation efforts that we do? We're going to  
12 increase the by-catch for a lot of these animals and  
13 it's not going to be resource-friendly. So I think we  
14 really need to plan for that. And I -- we certainly  
15 support any effort to increase the U.S. Longline  
16 fishery, but at the same time, protect as best we can,  
17 our by-catch species.

18 In terms of Swordfish, in '02, they had data  
19 through '01. The biomass at that time was in the mid  
20 90s relative to the biomass necessary for maximum  
21 sustainable yield. So since '01, we've had five  
22 years. At a time, when we have been harvesting much  
23 less in the North Atlantic stock, the yield of that  
24 stock, so we're banking those fish, and so the age  
25 distribution of landings has increased, and that will

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1 come out in the assessment. But I think we've been  
2 very resource-friendly there.

3 The argument that if we give up our quota,  
4 we give up our voice at ICCAT. I used to rebut Glenn  
5 and Nelson with, "Well, that's kind of strange because  
6 we don't harvest too many whales. Yet, we happened to  
7 have a nice voice at IWC." But I have been to ICCAT  
8 now many times and it's just more than trying to  
9 direct it on the floor. It turns out that our  
10 commission -- our commercial fishermen, our pelagic  
11 Longliners have a lot of interactions outside of  
12 plenary with the fishermen from the other nations, and  
13 that if we want to pass on ways of mitigating  
14 interactions with turtles, that's the best way to do  
15 it.

16 If we see that we have actually removed our  
17 fleet entirely from the floor, other fisheries aren't  
18 going to -- other countries' fishermen aren't going to  
19 want to be following that, you know. And so I -- to  
20 keep our voice, to keep transferring technology, we  
21 have to maintain our fishery, and it has to be viable  
22 fishery.

23 So while we can reduce gear conflicts, we  
24 can do -- tweak the existing areas to minimize by-  
25 catch, I certainly would do everything that we can to

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1 promote the few -- the full utilization of our quota.

2 Thank you.

3 MODERATOR CHRISTOPHER ROGERS: Thank you,  
4 John. It's noon now, so a few more comments, then  
5 we'll break for lunch. Dewey.

6 MR. HEMILRIGHT: Yes, I just -- few things  
7 here. The closure off North Carolina -- I know we'll  
8 address the petition later. It's had a great economic  
9 effect on a lot of fishermen on that fishing area that  
10 need that. Some of us had to do different things,  
11 some of us -- some went out of the business. I'll  
12 just give you a little bit of a instance for a -- in  
13 1993, when I started shark fishing, there was 18  
14 boats, say, on December 31st, that would make a set to  
15 go shark fishing.

16 Last year there was, I think, five or six  
17 boats that would go shark fishing. This year there  
18 was none. This closure, the modifications, I think  
19 there could have been a little more forthcoming, when  
20 Natural Marine Fisheries with some transparency in  
21 some of their data. I think it was -- when you look  
22 at the reduction for juveniles, as they say it's for,  
23 you look at other fisheries in state waters, other  
24 places that maybe could have had a part of reduction,  
25 so you wouldn't had to have this gigantic closure.

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1 But we'll address that later.

2 A couple of things I've learned when one --  
3 I've heard a lot of people talk about the Sawfish  
4 around here, I've never caught one, or never seen one.

5 But when National Marine Fisheries starts entering  
6 data, and I believe there has only been seven observed  
7 takes by the bottom Longline fishery, I might be wrong  
8 in reading that. But when you read that and the  
9 National Marine Fisheries does the expanded take of  
10 over 450, I started to notice something -- there has  
11 got to be some type of closed area. And when National  
12 Marine Fisheries starts doing their expanded take on  
13 something most time you -- from a fisherman's point of  
14 view, you'd better watch out.

15 The other thing talking about the White  
16 Marlin, and the closures, and the more wants of the  
17 closures, the U.S. commercial fishermen and including  
18 myself, I'm a three to five day boater, when the --  
19 when we had to go take the circle hook effect, I had  
20 probably -- I had 600 brand new hooks of a J-hook that  
21 I can't use no more. I had all my other hooks I had  
22 to cut out. When is it not enough that the U.S.  
23 commercial pelagic Longline fisherman's had enough?

24 You look at the White Marlin -- why don't  
25 the recreational industry step up to the plate and

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1 want to do circle hooks? They do circle hooks in all  
2 of their studies, in the different studies I've read  
3 in the different places like Panama or doing stuff  
4 like that. Why is it -- if it's good for the  
5 commercial guy and it's good for all the research from  
6 the recs., why isn't it good for the recreational  
7 industry? I mean we can totally close this out and  
8 then when you go to ICCAT, you look at the other  
9 things. I think, one thing that the U.S. commercial  
10 fishermen should do, if it continues like this, is to  
11 really tell the ICCAT nations exactly what's happens  
12 here in the U.S. Because this seems very two-faced  
13 that when's enough enough?

14 I mean we're doing all of this stuff to  
15 rebuild the stocks, we can do very little. This fish  
16 was given to the recreational industry in 1988. I  
17 mean you might have interaction when -- but I mean,  
18 you know, the only interaction you'll have is not to  
19 be in the water and that's not a -- that's not good  
20 for me. But why we aren't looking at the observer or  
21 at the hooks for circle hooks, if it's such a great  
22 research?

23 MODERATOR CHRISTOPHER ROGERS: We will take  
24 that up this afternoon under rebuilding for Billfish.

25 MR. HEMILRIGHT: Okay.

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1 MODERATOR CHRISTOPHER ROGERS: Jim Donofrio,  
2 last comment, Mr. Camhi, do you have any comment on  
3 this? Okay, so Jim, last word, and then we'll break  
4 for lunch.

5 MR. DONOFRIO: Chris, thank you. The RFA is  
6 going to be sending in detailed comments on the time  
7 and area closures that will be consistent with our  
8 intervention in the ESA litigation.

9 MODERATOR CHRISTOPHER ROGERS: Okay, thank  
10 you. I know there has been a couple of requests to go  
11 back to this after lunch. We've, I guess you could  
12 say, lost our gains we made yesterday. Our under  
13 harvest was carried forward and now we're in a over  
14 harvest situation. We've got to get back on track.  
15 We'd missed our public comment period that I wanted to  
16 get into right after lunch. And then get into the  
17 rebuilding for Finetooth sharks and billfish. How  
18 many more comments on this closed area subject? Just  
19 Bobbi, and Glenn, and Henry Ansley, Pete Manuel. All  
20 right. How long do we need to close this subject  
21 right now? Five minutes? All right. Bobbi, Bobbi  
22 Walker.

23 MS. WALKER: Chris, mine's a quick question.  
24 Being familiar with working in FMPs and the time that  
25 it takes to implement them, it seems to me that it's a

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1 moot point over our Swordfish quota, us losing it  
2 because the stock assessment will done in 2006, this  
3 plan will be implemented probably by the time the  
4 stock assessment is done. So my question to you is it  
5 a moot point to address closed areas to reopen them to  
6 allow the Swordfish to be harvested or is it a moot  
7 point?

8 MODERATOR CHRISTOPHER ROGERS: Well, it's  
9 certainly not a moot point, if it's the right thing to  
10 do. And the question is, if it is the right thing to  
11 do, will it be done fast enough to have any effect on  
12 the ICCAT negotiations? Unlikely, given the, as John  
13 Graves has stated, the fact that the next assessment  
14 will be only using 2005 data. But, obviously any  
15 changes that we envision having -- any changes that  
16 have occurred or we envision that will be occurring at  
17 the point where we are in those negotiations at ICCAT  
18 will be a valid point for us to raise. In that we can  
19 reflect on our recent catch history and say that this  
20 is not necessarily reflective of what we believe will  
21 be happening currently and in the next two years. So  
22 that provides us some argument power, I guess you  
23 could say, for maintaining our quota share at ICCAT.

24 MS. WALKER: All right, one quick question.  
25 Has a country ever loaned their quota to another

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1 country?

2 MODERATOR CHRISTOPHER ROGERS: In fact, with  
3 respect to Swordfish, we have done that to Japan to  
4 help them out of a by-catch exceedance that they had.

5 And there are other examples with respect to Bluefin  
6 and other species. Pete Manuel, we hadn't heard from  
7 him yet. So let's get Pete.

8 MR. MANUEL: Thank you. It seems obvious to  
9 me just listening, there is a balance missing. And  
10 maybe a solution to that would be to issue some  
11 fishing vessel permits for some of the Longline people  
12 and let them try some of these areas. And look at  
13 where they could expand, and look at what their by-  
14 catch may be, and put observers on there. I mean, it  
15 can't all be one-sided. They need to get -- be able  
16 to get back and make a living again. Thank you.

17 MODERATOR CHRISTOPHER ROGERS: Thank you,  
18 Pete. Dick Stone?

19 MR. STONE: Chris, very quickly, I just want  
20 to reiterate a comment that was already been made  
21 about the more specific data that we can have to make  
22 these decisions will be helpful.

23 MODERATOR CHRISTOPHER ROGERS: Okay, Glenn  
24 and Nelson can you confer and have one person speak,  
25 so we can get on with lunch.

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1 MR. BEIDEMAN: Glenn.

2 MR. ULRICH: Just a bunch of random  
3 responses. I though I heard somebody say Swordfish is  
4 a slow-growing fish. It is a relatively rapidly  
5 growing, highly migratory fish that's -- has an early  
6 age of maturity and high fecundity. And the fact that  
7 we have been able to -- it's a very robust stock in  
8 terms of its ability to rebuild, and that is exactly  
9 what has been manifested. So I don't know if that --  
10 maybe I heard the wrong thing, it's -- maybe somebody  
11 was talking about sharks instead of Swordfish. Just  
12 another comment; I was a little interested in hearing  
13 that 96 to 97 percent of the fish being caught in  
14 eight Swordfish tournaments in the Straits of Florida.

15 Swordfish nursery grounds is occurring and I think  
16 that's something that, probably, needs to be focused  
17 on. I'm not quite sure what we're doing there. And  
18 to find that there are a lot of juveniles in a nursery  
19 area does not speak to the status of the overall stock  
20 in the North Atlantic. I'm stating the obvious, I  
21 suppose.

22 But back to another point about ICCAT. Your  
23 point I think, Chris, that you were making and I'll  
24 just reiterate is that the -- being able -- you know,  
25 having negotiated a few things at ICCAT over the

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1 years, I could certainly make great hay with being  
2 able to point to some fundamental changes in the  
3 access of our fishery to the resource, as a basis for  
4 thwarting efforts to reallocate our quota. There have  
5 been, you know, innumerable instances where nations  
6 point to actions taken domestically as the basis for  
7 management decisions that are made for the future.  
8 So, you know, granted, we'd love to have five years of  
9 data show that we're back up to full utilization,  
10 that's not realistic. But certainly the management  
11 measure changes and increasing our access to the  
12 resource would be a very valid negotiating point. And  
13 there was one more thing that I've --

14 MR. BEIDEMAN: '07, that --

15 MR. ULRICH: You've got it I think -- quick.

16 SPEAKER: We'll try to put the assessment  
17 and, you know, revaluating the quotas after '07. But  
18 chances are it's going to take place in '06.

19 MODERATOR CHRISTOPHER ROGERS: Okay, thank  
20 you all. Let's have a lunch break and report back  
21 here at 1:15 P.M. sharp, so we can get started on  
22 rebuilding of -- well, actually, let's have our public  
23 comment period quickly to summarize the three topics  
24 this morning, the EFH, and the time/area closures and  
25 by-catch.

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1

(Whereupon, a luncheon recess was taken.)

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1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 1:15 p.m.

3 MRS. DICK: -- His options and comment  
4 deadlines of NOAA fisheries. Our guest commenting on  
5 these HMS pre-draft issues today is a pioneer  
6 historical participant in the HMS fisheries for over  
7 26 years. A private sector careful handling and  
8 release gear technologist and manufacturing company  
9 for over 13 years.

10 A fisheries partner with no fisheries  
11 resource managers Florida Sea Grant industry, NGOs,  
12 gear technicians and researchers as well as a  
13 conservation organization. Workshops can be an  
14 extremely valuable management tool that can be used to  
15 inform, educate, share ideas and give a feeling of  
16 accomplishment and participation in the management and  
17 conservation process.

18 As stated in the issues and options paper  
19 there is a widespread acceptance, support and desire  
20 to accomplish such workshops by industry both  
21 recreational and commercial, the HMS AP, the Agency,  
22 councils and NGOs. The BiOp for amendment one to the  
23 HMS FMP requires that NOAA Fisheries implement a  
24 series of workshops or other training programs.

25 In the GN1 2004, ESA Section 7 consultation

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1 BiOp, on the reinitiation of consultation on the  
2 Atlantic PLL, Fishery for HMS, workshops and training  
3 on the proper careful handling and release protocols  
4 are a critical component. The reasonable -- and the  
5 reasonable printed alternatives that will enable the  
6 Atlantic Ocean and Gulf of Mexico commercial pelagic  
7 Longline fishery to continue to maintain a sustainable  
8 fishery.

9 This year's -- 2004 BiOp highlights the  
10 benefits of mandatory commercial workshops to reduce  
11 Sea Turtle post-release mortality. A combination of  
12 mandatory commercial and voluntary recreational  
13 workshops could teach the HMS fishing community how to  
14 reduce interactions in mortality of Sea Turtles as  
15 well as other by-catch in a timely fashion.

16 Workshops could stimulate compliance with  
17 current and proposed management permitting -- and  
18 requirements by explaining the benefits of such  
19 training and compliance. The June 2004 BiOp RPAs  
20 place heavy emphasis on the need for outreach and  
21 educational workshops, in order to ensure that circle  
22 hooks and careful handling and release equipment are  
23 used correctly, and at the level of success that was  
24 observed and documented with 100 percent observer  
25 coverage in the Northeast Distant Experiment.

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1           ARK recommends that these workshops;  
2 recreational and commercial, become a top priority,  
3 and be immediately implemented for all HMS hook and  
4 line fisheries, in order to gain maximum benefit from  
5 these successful mitigation technologies of fishing  
6 practices.

7           Under Section 2.1.1.1 workshops Sea Turtle  
8 release and disentanglement workshops for pelagic  
9 Longline fishermen. Alternative one, says, "No action  
10 status quo voluntary workshops in current  
11 regulations." ARK is opposed to Alternative 1 and  
12 believes that a no action alternative will not  
13 adequately address the informational and attitudinal  
14 constraints in regard to careful handling and release  
15 of Sea Turtles and other by-catch.

16           The consensus of industry leaders supports  
17 mandatory workshops for PLL fishermen. Industry is  
18 anxious to continue to develop proper handling and  
19 release skills, species identification and gain a  
20 better understanding of management regulations in  
21 order to maintain a sustainable, environmentally safe  
22 fishery. Alternative 2, "Mandatory workshops and  
23 certification for all PLL vessel captains with  
24 additional information disseminated through the  
25 activities, NMFFS PLL POC. Alternative 2 is ARK's

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1 preferred alternative for the following reasons.

2 The question of who should be trained and  
3 certified through the workshop process has been  
4 brought up on numerous occasions among the industry  
5 leaders. Optimally, all crewmember and captain should  
6 receive careful handling and release training and  
7 certification either from the workshop process or from  
8 the trained captain. It's not logistically feasible  
9 to have all the crew trained at workshops.

10 Not many crewmembers would attend a  
11 mandatory workshop mainly due to logistics and  
12 finance. Even if one additional crewmember  
13 participated in the workshop process, it is not likely  
14 that the other one to four crewmembers would or could  
15 attend. Crewmembers can be transient in nature and  
16 are always shifting from one vessel to another and  
17 from one fishery to another.

18 Most crewmembers give their allegiance to  
19 the captain of the vessel that they are on at time.  
20 Each captain has its own method of fishing practices  
21 and safety requirements unique to the captain's  
22 particular vessel. Captain usually stays on one  
23 vessel throughout the season, has ultimate authority  
24 at sea, is responsible for all safety at sea issues,  
25 has the most at sea experience, and can be trained at

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1 mandatory workshops to instruct all crewmembers on  
2 their particular vessel of concern.

3         The consensus of most PLL industry leaders  
4 is they would prefer the captains to train their own  
5 crewmembers due to several reasons. Crewmembers often  
6 change from trip to trip and vessel to vessel, and the  
7 captain should be able, and qualified to train all new  
8 crewmembers as they come on board. The captains are  
9 almost always present, and on the back deck when a  
10 marine turtle is encountered due and part to the  
11 slowing of the vessel, and bringing it to stop at many  
12 release scenarios.

13         Potential safety at sea issues that may  
14 exist from vessel to vessel due to the size and  
15 configuration of the hauling stations and doors, et  
16 cetera and preference of the captain for certain  
17 release scenarios that they have found were better and  
18 safer for them from experience in the field. ARK  
19 found merit in the industry leaders' suggestions and  
20 thus we want to propose three different mandatory  
21 training processes.

22         One, Initial training for those who are just  
23 beginning -- just being introduced to the workshop  
24 process; familiarizing with the tools and the  
25 protocols. Second, certification level training which

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1 deals with extensive hands-on training, and rigorous  
2 evaluations of that training, and if successful,  
3 industry level certification.

4 And third, instructor level training and  
5 industry certification for those captains who have  
6 already completed the initial and advanced industry  
7 certification workshops, and have proven to have  
8 significant experience in the field of proper handling  
9 and release protocols and techniques. It may be  
10 beneficial to have captains trained and certified to  
11 train all other crewmembers on their particular vessel  
12 to address the above concerns.

13 ARK has the capability of training  
14 instructors on the proper manner and method in which  
15 to instruct crewmembers. This instructor level  
16 training may prove to be more efficient and cost  
17 effective as well as make the captain ultimately  
18 responsible for his own vessel and crew. We should  
19 allow some flexibility to the captain to adopt the  
20 protocols and make improvements or slight  
21 modifications to the handling and release procedure,  
22 especially if it deals with some potential safety as  
23 sea issue or a particular way the captain prefers to  
24 run his ship.

25 As long as a captain is well trained, has

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1 completed both the initial and advanced training, is  
2 properly evaluated and certified, and has experience  
3 at sea. This will provide incentives to those  
4 captains that have already completed the initial  
5 advance training programs that have experience at sea,  
6 and have proven that they the high level motivation  
7 and proficiency of the 2004 BiOp mandates.

8 Section 2.1.1.2 workshops HMS and protected  
9 resources identification. Alternative 2, conduct  
10 voluntary workshops at a scientific facility marine  
11 laboratory for all commercial and recreational HMS  
12 fishermen and permitted dealers on addressing first  
13 come first serve basis. ARK recommends Alternative 2  
14 combined with Alternative 3 and 4 commercial  
15 workshops, which is well defined in manageable  
16 universe of vessels, will be limited in number  
17 financial burden and workshop location, compared to  
18 the recreational venues, which is much larger, and a  
19 less defined universe of vessel.

20 Multiple venue locations, and all the  
21 geographical locations will be necessary to conduct  
22 voluntary workshops in this sector. Alternative 3,  
23 conduct one or several voluntary workshops at one or  
24 several locations per region; Gulf of Mexico, South  
25 Atlantic, North Atlantic for all commercial and

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1 recreational HMS fishermen and permitted dealers on a  
2 first come first serve basis. Stakeholder leaders  
3 could help organize workshops and set up appropriate  
4 venues in the geographical region that they have the  
5 best ability to outreach to their own constituents.

6 The commercial sector could be responsible  
7 for their workshops and criteria and the recreational  
8 sector could be responsible for their sectors  
9 workshops, criteria and venues. Alternative 4,  
10 developing interacting voluntary web-based tutorial  
11 for all commercial and recreational HMS fishermen and  
12 permitted dealers. ARK recommends this Alternative 4  
13 as well in combination with Alternatives 2 and 3.

14 Developing an interactive, voluntary web-  
15 based tutorial for all commercial and recreational HMS  
16 fishermen and permitted dealers is critical to help  
17 disseminate information to the largest audience in the  
18 most cost effective manner. This alternative should  
19 be used in combination with others to form a suite of  
20 alternatives that best fits the need and desired  
21 results.

22 Alternative 5, conduct one or more mandatory  
23 workshops for commercial and recreational HMS  
24 fishermen and permitted dealers; either one workshop  
25 or one workshop per region, Gulf of Mexico, South

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1 Atlantic and North Atlantic. Mandatory workshops,  
2 just by the nature of definition "mandatory," would  
3 initially have higher attendance levels than that of  
4 voluntary workshops.

5 But every long haul voluntary workshops are  
6 non obtrusive -- would eventually gain more  
7 attendance, recreationally due to the nature of the  
8 fishery, it's size and characteristics as well as the  
9 positive peer pressure of benefits and word of mouth.

10 In the commercial sector is the well defined universe  
11 of vessels. Mandatory workshops would be feasible and  
12 cost effective, although several industry leaders have  
13 suggested that most of the commercial captains are  
14 well versed in identification of various species, and  
15 would prefer voluntary workshops to augment theirs or  
16 to their crews' identification skills rather than  
17 being forced to attend mandatory workshops that they  
18 may or may not need.

19 The recreational sector is not well defined  
20 in vessels and is extremely large compared to the  
21 commercial sector. Thus mandatory workshops in this  
22 sector would not be feasible or logistically possible.

23 On the other hand voluntary workshops with benefits  
24 and incentives such as enjoy the day with the family  
25 at Mount Marine, Sea World, Gulf world Marine Park, et

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1 cetera may attract more participants by allowing them  
2 to participate on a first come first serve basis.

3 This type of identification workshop process  
4 would provide valuable data on the fishery, workshop  
5 success and participation. Industry leaders could  
6 help simulate -- stimulate participation from within  
7 their own constituent groups. Thanks.

8 MODERATOR CHRISTOPHER ROGERS: Thank you  
9 very much. Would you have a copy eventually to --

10 MRS. DICK: Should it --

11 MODERATOR CHRISTOPHER ROGERS: The -- a  
12 written copy for us.

13 MRS. DICK: Yes, it's --

14 MODERATOR CHRISTOPHER ROGERS: Not necessary  
15 for today, but --

16 MRS. DICK: It's a little thick, but I just  
17 kind of picked it out.

18 MRS. DICK: Okay. Great.

19 MODERATOR CHRISTOPHER ROGERS: Is there any  
20 questions or? Any questions from panel members?

21 SPEAKER: No.

22 MODERATOR CHRISTOPHER ROGERS: Okay

23 MRS. DICK: Thank you.

24 MODERATOR CHRISTOPHER ROGERS: Any other  
25 members of the public, okay.

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1 MR. DICK: Good Afternoon. My name is Shawn  
2 Dick. I am the president of Aquatic Release  
3 Conservation. We're a private sector gear technician  
4 and manufacturing company. We believe that we're one  
5 of the stakeholders in the HMS Fisheries. It's an  
6 honor and a pleasure to be here in front of the  
7 distinguished AP members, which we consider as all  
8 experts in their particular field.

9 I'm going to comment more from a layman's  
10 point of view or a common sense perspective rather  
11 than from the, you know, as a technical that my wife  
12 just did. It's obvious that there's a extremely  
13 diverse group of experts on the panel. They're all  
14 representing various constituents, objectives.

15 There's a -- one thing that I've noticed  
16 from sitting here is there's an overarching theme,  
17 there is an objective, there's benefits to each  
18 constituent group and that's by-catch reduction. by-  
19 catch mortality reduction and by-catch reduction seems  
20 to be a common goal and a common theme that I keep  
21 hearing over and over again at these HMS APs. It  
22 seems like the one issue that pretty much everybody  
23 agrees on. I hear it time and time and time again.  
24 How to get to that end issue is in dispute sometimes.

25 Workshops, in my opinion, are probably one

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1 of the most -- the best valuable management tool that  
2 we could possibly have. It has many benefits, it  
3 reaches out to your own particular constituent groups,  
4 it gives a chance to camaraderie, it gives a chance to  
5 sit down and analyze what the problems are, and more  
6 importantly to come up with solutions. It's an  
7 excellent education and outreach venue. I think it's  
8 a really good management tool. It helps share ideas,  
9 it helps work out a lot of the problems before they  
10 get up into a higher level of litigation, which is a  
11 really costly event for everybody and really slows  
12 down the management process.

13 One thing that I heard today, probably hit  
14 me the best was when Dick Stone said the Agency should  
15 contract with industry, and this is the key to  
16 workshop success. It'd be very difficult and very  
17 costly and very burdensome for the Agency to try to go  
18 into these different fisheries and tell these groups  
19 what to do and how to do it, you know. On the  
20 commercial sector you have Rusty Hudson you have  
21 Nelson Beideman, and Willy.

22 These guys are experts on how to gather  
23 their fishermen together and make them come to the  
24 workshops and I believe that they have said over, over  
25 and over again that they wish to have mandatory

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1 workshops for the reason that they want to prove to  
2 the other stakeholders and they want to hone their  
3 skills on by-catch reduction and by-catch mortality  
4 reduction. They want it documented with a 100 percent  
5 observer coverage.

6 I hear at three or four years in a row that  
7 they're saying we need mandatory compliance, we need  
8 mandatory workshops, we want the training, we want the  
9 skills. And that can easily be done, I think, as  
10 Nelson said earlier there is a universe of about a 105  
11 vessels. Of those 105 vessels, probably 98 percent of  
12 them are already in compliance with careful handling  
13 and release technologies; circle hooks.

14 There has been a series of workshops that  
15 have been performed by the Agency, and as the  
16 biological opinion required that a series of workshops  
17 be performed in 2005, which was not able to be  
18 performed by the Agency due to amendment two, but  
19 industry took the lead and started to work in  
20 partnership with the Agency to make these workshops  
21 available to their fishers.

22 So that they could be trained at the high  
23 level proficiency that was given to the NED and in  
24 some cases at even a higher level of proficiency. In  
25 the recreational sector it seems like we're hearing

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1 over and over again that mandatory workshops are not  
2 feasible, that voluntary workshops would be a  
3 preferable type of workshop program, and the concept,  
4 I've talked with Mike Clarke, Sea Grant fellow at NMFS  
5 several times, and we've discussed this in many  
6 different areas.

7 Partnerships with -- such as with RFA and  
8 IGFA, billfish, CCA, if he could take their  
9 constituents groups; they know him the best, and they  
10 are well respected. If they could be in charge of  
11 their own groups -- and a lot of people say, "Well,  
12 you know, the workshop process may or may not work,"  
13 but I believe that you know we should give it a  
14 chance.

15 Let these leaders of the industry take their  
16 groups and let's voluntarily, maybe on a sort of like  
17 a pilot program for three years, allow them to reach  
18 out to their constituent's groups, and see if we can  
19 get some voluntary workshop compliance. What we need  
20 to make the workshop process work is help from all the  
21 stakeholders, and the highly migratory species; the  
22 nature of that fishery; we need management throughout  
23 the entire range.

24 And one thing that I'm afraid is going to  
25 come and slip up on is, I heard it from Glenn and Dr.

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1 Graves and several other people, we have a  
2 international component that's actually, I think we  
3 really need to pay attention to. We need to keep our  
4 ICCAT quota. If the U.S does not lead the example,  
5 and set the way as far as workshops, compliance with  
6 careful handling and release technologies, then it's  
7 going to be impractical for us to believe that any  
8 other international -- country which doesn't even  
9 comply with any -- the international laws will even  
10 began to start any kind of by-catch mortality  
11 reduction or by-catch reduction.

12 So it's critically important that I believe  
13 that the U.S fisheries stay together as a group and  
14 set the pace, the pattern, and transfer this  
15 technologies. And I think I heard another AP member  
16 say that it's not going to be a good example if we  
17 keep closing our fisheries as an example of how we're  
18 succeeding in by-catch reduction. Here again I'm just  
19 commenting as a, you know, as through common senses  
20 and as a layman, I don't have all the data in front of  
21 me.

22 I know that there's been -- several times  
23 people said they were responsible for probably about  
24 five percent of the Sea Turtle mortality in the U.S.,  
25 which means that there is probably about 95 percent

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1 responsibility internationally, and I haven't seen any  
2 type of international compliance with by-catch  
3 reduction measures until the U.S. started to adopt the  
4 technology and proved that it worked within its own  
5 group.

6           Again, I think that to make workshops and  
7 by-catch reduction successful, we need help from all  
8 the stakeholders. Academia is -- gives us the  
9 critically needed data that we need. Without the  
10 data, I think I heard Rusty say several times, you  
11 know, "We need the science." That's absolutely  
12 correct in my opinion from the public.

13           We need the science to give us the  
14 information. We need the environmental groups as a  
15 check and a balance. We need the commercial sector to  
16 supply the food source, not just for the U.S.  
17 population that doesn't have access to our common  
18 resource. I think I heard somebody say that we only  
19 supply one quarter of our own sea food. That means  
20 that we're reliant about three quarters on the other  
21 countries to supply it to us with less quality  
22 controls, with less by-catch reduction measures.

23           The recreational fishery has many benefits.  
24 Not only do they -- you know, there is a business in  
25 the recreational fishery. A lot of people make their

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1 money from it. There is another aspect of the  
2 recreational fisheries that I have been working with  
3 lately, and that's the youth anglers; that's the new  
4 generation coming up.

5 I've worked with Florida and Texas IGFA on  
6 teaching their youth anglers ethical angling  
7 techniques, careful handling and release technologies.

8 We're now partner-shipping with RFA. It's very  
9 important that we understand what the youth anglers  
10 are going to do from the experts and from the old  
11 guard in the field that's sitting here at the HMS AP  
12 today. We need -- we critically, critically, need NGO  
13 support, not only for the checks and balances; we need  
14 financial support.

15 The Agency cannot bear the burden of doing  
16 recreational workshops for the next three years over  
17 the entire geographical region. We need the oversight  
18 in transparency that NGOs always assure us. We need  
19 their expertise. More importantly we need their  
20 international pressure on the other countries that are  
21 not complying, which in my opinion from sitting from  
22 the outside looking in, is our largest problem.

23 I want to end up by saying that if we work  
24 together instead of against each other, it looks like  
25 the U.S. has pretty much always lead the way in

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1 conservation. And I kind of look at the fisheries as  
2 a U.S. fisheries. I don't really like to look at it  
3 as commercial and recreational. Here again, that's  
4 from a layman's point of view. I think that to make  
5 the workshop process work we need a steering committee  
6 or something like a steering committee.

7 If we look at the success that was in the  
8 NED, we found out that there was key components that  
9 made that NED experiment work. And that was Agency  
10 working with researchers working with industries,  
11 sitting down at a table and hashing out the  
12 differences long before the fishers were told what to  
13 do, and how to do it correctly. And then the fishers  
14 turned around and came back to the table and told us  
15 how to do it better.

16 Everybody has an expertise in a particular  
17 field; if you put all of these expertises together in  
18 a steering committee, commercially, recreationally,  
19 environmentally, academically, then we would have a  
20 working workshop process which is outreach in  
21 education. There are some that say that, you know,  
22 "There's rare occurrences in some of the fisheries,"  
23 which I agree with.

24 But there is not rare occurrences with shark  
25 and some of the other by-catch species, and some of

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1 these same careful handling and release technologies  
2 work on other by-catch species exactly the same way.  
3 I think it's really important that we have  
4 identification workshops, and I think I have heard  
5 different stakeholders here at the table and different  
6 HMS AP members say, "We'll offer our venue to you to  
7 make these identification workshops work.

8 I personally have been down at Mount Marine  
9 science lab; they have a beautiful facility, and we've  
10 given several workshops on Sea Turtle handling as well  
11 as shark observer programs down there before. If we  
12 have these people that are willing to offer their  
13 multi million dollar facilities and their personnel to  
14 help us out, you know, I would advice the Agency to  
15 seriously consider accepting their offers.

16 Same with International Game Fish  
17 Association; they have a beautiful facility in south  
18 Florida. They have very well expertise -- trained  
19 personnel. They have an observer program, I think, of  
20 over 500 people, already. It'd very easy to interface  
21 with these people, and to train them in the way that  
22 the Agency would want the people to be trained.

23 So I -- here again, I see that there's a --  
24 I know there's a lot of problems in the workshop  
25 process, and there's a lot of problems in between the

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1 recreational and commercial fisheries, in between the  
2 Agency and NGOs, but it seems to me from looking from  
3 the outside as the public and then from a layman that  
4 if we work together for a common U.S. fishery, that we  
5 would and could succeed in the workshop process, and  
6 the workshop process would help us succeed in the by-  
7 catch reduction and by-catch mortality reduction.

8 I appreciate the time, we have the  
9 technology and expertise to accomplish the goal of  
10 global by-catch mortality by working together for the  
11 future of our fisheries and for the future generations  
12 of our fisheries. I'll be glad to answer any  
13 questions if there is any by the panel, and I  
14 appreciate your time today.

15 MODERATOR CHRISTOPHER ROGERS: Thank you,  
16 Shawn. Any particular questions, Joe McBride?

17 MR. McBRIDE: Yes, thank you Mr. Dick for a  
18 very nice presentation. Something you might want to  
19 consider in conjunction with the Agency; to reach the  
20 recreational community which is impossible to  
21 logistically put them all together for workshop A and  
22 workshop B is one of these, I think -- what do they  
23 call them on Sundays, saltwater Sunday or something  
24 where they have sport fishing, saltwater sport fishing  
25 on ESPN, and in conjunction with the Agency and

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1 yourselves, you could have a forum for reduction of  
2 mortality as well as a forum for sale of whatever  
3 items you sell to help in decreasing the mortality,  
4 mutual type of scenario that could reach and people  
5 who are sitting home all winter and delighted to watch  
6 something educational in the fishery field. Just a  
7 suggestion I mean, it's worthwhile.

8 MR. DICK: Thank you.

9 MODERATOR CHRISTOPHER ROGERS: Okay. Thank  
10 you, we are a bit behind on this afternoon's agenda.  
11 We're scheduled for a break right now, but I'm sure  
12 you've had enough of those today, right. What we're  
13 getting into now with rebuilding and preventing  
14 overfishing. We wanted to address this concept or  
15 issue with respect to both Finetooth sharks and  
16 billfish, then take a break at 5:00 p.m. and get into  
17 Bluefin Tuna recreational management and monitoring.

18 I suspect we'll need another break before  
19 5:00, and we'll probably try to arrange it at maybe  
20 about 3:30 or so. But I did have one lingering  
21 question from this morning; the concept of addressing  
22 the issue of revitalizing the U.S. Swordfish fishery,  
23 and where we could work in a discussion on that.

24 I would just note that part of the outcome  
25 we would suspect of revaluating and potentially

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1 revising or modifying area closures could to some  
2 extent address some of the issues with respect to the  
3 Swordfish fishery in access to productive Swordfishing  
4 grounds while still avoiding by-catch; that will  
5 certainly be an issue that will be addressed.

6 Another concept that was raised was dealing  
7 with access by commercial hand-gear fishery. If you  
8 recall in our document, certain issues that were  
9 discussed during the scoping period, but were  
10 determined not to be addressable at this time due to  
11 the sheer volume of the activities required to put  
12 this document and continue on with the process.

13 We did intend to revisit the limited access  
14 program, but in a subsequent rule making. So that's  
15 really not on the table for this go around, just  
16 because -- again, the timing of this document --  
17 already some concerns expressed about getting this  
18 plan consolidation and amendment completed as soon as  
19 possible so that we can start building a new image, a  
20 new catch history with respect to ICCAT in our quota.

21 So those are two areas that I'd heard this morning  
22 that might address the problem of gaining or regaining  
23 access to our Swordfish allocation.

24 But to the extent that other ideas might be  
25 presented and forthcoming. I'd asks folks to ponder

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1 that, I don't see any time on the agenda for this  
2 afternoon or this evening, but certainly tomorrow in  
3 that area beyond the afternoon break, we'll have the  
4 North Carolina petition for rule making on the shark  
5 closed area, some discussion of HMS enforcement issues  
6 and another probably common periods are -- I would  
7 hope that some time in that two to three hour period  
8 in the afternoon we can work in the discussion. But  
9 again, I would ask panel members, particularly ideas  
10 in addition to those already presented on modifying  
11 closed areas and/ or increasing access to the  
12 commercial hand-gear fishery for Swordfish.

13 If there are any other ideas please ponder  
14 them and be prepared to present them during the course  
15 of that discussion. So with that we'll move into  
16 rebuilding, and I believe we're going to start with  
17 Finetooth sharks. And Mike Clarke is going to present  
18 this. I think Shawn Dick had referred to him as our  
19 Sea Grant fellow, which was certainly the case last  
20 year now he is a federal employee with all the rights,  
21 responsibilities pertinent to that.

22 MR. CLARKE: Thanks very much Chris. I hope  
23 I can live up to those expectations. As Chris  
24 mentioned I'd like to give a brief presentation on  
25 alternatives to reduce Finetooth shark fishing

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1 mortality. First of all, starting of with just a  
2 little bit of life history or information about  
3 Finetooth sharks.

4 They are all -- they are part of these small  
5 coastal shark complex with Sharpnose Bonnethead and  
6 Blacknose sharks. They are -- inhabit shallow coastal  
7 waters between North Carolina and Texas. They  
8 generally are sexually mature at about four years; a  
9 little sooner for males than females; they pup in May  
10 and June, they feed primarily on mullet, spot, macro,  
11 Manhattan's(?) cephalopods and crustaceans, and they  
12 are in general attain a slightly larger size than  
13 other sharks in the small coastal complex with large  
14 females attaining lengths of up to 1.8 meters total  
15 length.

16 Just a little bit of background information  
17 about the fisheries; the current fisheries for  
18 Finetooth sharks. Approximately 80 percent of the  
19 commercial landings for Finetooth are landed with  
20 gillnet gear, and are in -- primarily in the South  
21 Atlantic.

22 Now, at the current time there is no  
23 directed trip limit for directed permit holders in the  
24 shark fishery; in the small coastal Shark fishery for  
25 Finetooth. For incidental permit holders, there is a

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1 16-fish limit, and that's combined with pelagics --  
2 with pelagic sharks.

3           Currently, gillnets are banned in state  
4 waters in Texas, South Carolina, Georgia, Florida and  
5 Louisiana. And Finetooth, compared to other small  
6 coastal and large coastal sharks are especially  
7 susceptible to gillnet gear and they have a tendency  
8 to roll upon contact with the gear. And based on  
9 observer reports a lot of Finetooth sharks are dead by  
10 the time that the gear is hauled back on board.  
11 Finetooth sharks exhibit one of the broadest selection  
12 curves also for gillnet mesh sizes.

13           Simply stated, this means that altering the  
14 mesh size that's allowable might not make a difference  
15 with regard to reducing Finetooth shark mortality in  
16 the commercial gillnet fisheries. Recreational  
17 fisheries between 2000 and 2003 based on -- based on  
18 MRFS data there was approximately 6700 Finetooth  
19 landed in the South Atlantic, slightly less; 5700  
20 landed in the Gulf of Mexico.

21           And currently the regulation or the  
22 restriction is one fish per vessel per day, and it  
23 must be a minimum size of 54 inches. And based on the  
24 literature these fish are sexually mature at about 48-  
25 49 inches. So these fish when they're caught would've

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1 had a chance to reproduce. The 2002 stock assessment  
2 that was conducted for small coastal Sharks found that  
3 the small coastal complex; Atlantic Sharpnose,  
4 Bonnethead, and Blacknose were not overfished, and no  
5 overfishing was occurring.

6 However, it did find that there was  
7 overfishing occurring for Finetooth sharks.  
8 Therefore, Magnuson-Steven acts -- Magnuson-Stevens  
9 act compels us to take measures to reduce fishing  
10 mortality for Finetooth sharks. Under the direct  
11 purview of HMS there is only five vessels that  
12 "target" Finetooth sharks and other small coastals  
13 with drill -- with gillnet gear.

14 These vessels are located out of several  
15 ports in eastern Florida and are subject to some of  
16 the most extensive observer coverage of any HMS  
17 fishery, a 100 percent during the Atlantic right whale  
18 calving period from November to March and  
19 approximately 30 to 50 percent outside of those  
20 periods.

21 And approximately, these five vessels in any  
22 given year and again, this depends on the presence or  
23 absence of Finetooth in federal waters. But in  
24 general these vessels only comprise about 10 percent  
25 of the landings; the five vessels that are directly

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1 under HMS regulation.

2           However, the majority of Finetooth landings  
3 occur outside of HMS directly regulated fisheries.  
4 And there are approximately 18 vessels that land  
5 Finetooth and other sharks while they're targeting  
6 other fish, including Bluefish, croaker, whiting and  
7 Spanish mackerel.

8           This -- again, this is generally in the  
9 South Atlantic, off the coast of eastern Florida.  
10 These -- however these -- since these permit holders  
11 are -- these fishermen that are targeting other  
12 species, do possess a directed shark permit, and there  
13 is currently no trip limit for small coastals. These  
14 fishermen are able to land a good deal of Finetooth.

15           And actually -- again, depending on the year  
16 and the presence of Finetooth in federal waters could  
17 account for up to 90 percent of the Finetooth fishing  
18 mortality, and they are not subject to the extensive  
19 observer coverage that the five vessels regulated by  
20 HMS are.

21           There are other sources of mortality that  
22 might also be responsible for the -- these 2002 stock  
23 assessments stating that overfishing is occurring for  
24 Finetooth sharks. These include a gillnet fishery of  
25 mainly Mexican Panga vessels that fish in United

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1 States waters from adjacent Mexican waters. And also  
2 Finetooth may occur as a by-catch in the shrimp trawl  
3 fishery in the Gulf of Mexico. And there might be  
4 other sources of mortality that we might not have  
5 identified yet at this time.

6 So, I just -- again, this is all in more  
7 detail in the pre-draft that you all have in front of  
8 you, but I just wanted to provide a real quick summary  
9 of alternatives that we may look at in order to reduce  
10 fishing mortality of Finetooth sharks. These could  
11 include additional measures, commercial measures, on  
12 the vessels that are under the direct management of  
13 HMS, those five vessels, fishing out of Eastern  
14 Florida, including a trip limit prohibiting landings  
15 of Finetooth sharks or possibly modifications to the  
16 gear.

17 Recreational measures might include  
18 increasing the minimum size for Finetooth, prohibiting  
19 landings or implementing the mandatory use of circle  
20 hooks, in order to increase post release mortality of  
21 Finetooth.

22 Or we could look outside of HMS and try and  
23 take action to get a handle on where -- it seems about  
24 90 percent of the mortality is occurring. And this --  
25 actions under this alternatives could include

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1 increasing the observer coverage so that the directed  
2 shark permit holders that are now targeting other  
3 species with gillnet to be subject to observe a  
4 coverage to get an idea of what -- to what extent  
5 there are, or are not a great deal of Finetooth  
6 landings occurring.

7 It could include having Finetooth listed as  
8 a select species and subject to by-catch sub sampling  
9 in the shrimp trawl observer program in the gulf. Or  
10 they could include having Finetooth listed as a  
11 prohibited species for commercial and recreational  
12 fishermen.

13 So, what's next? Again, like I mentioned  
14 earlier, we are currently in 2005. John Carlson drift  
15 gillnet observer program out of Panama City, is  
16 looking at expanding the observer coverage to include  
17 vessels that are not currently being observed in the -  
18 - off the coast of Eastern Florida, and might be  
19 targeting other fish like bluefish or croaker.

20 We might also coordinate with Jim Natts  
21 (phonetic) in Galveston, Texas, and have Finetooth  
22 listed as a select species so that there'll be sub  
23 samples of the by-catch and the shrimp trawl fishery  
24 in order to get a better handle on what sort of  
25 mortality is going on there, and also provide more

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1 catch series data for the upcoming small coastal shark  
2 assessment in 2007.

3 And also we might look at having some  
4 bilateral meetings with officials in the Mexican  
5 government in order to maybe bring this issue of  
6 illegal fishing or encroachment by Mexican vessels,  
7 under control and get a better handle on reducing  
8 mortality to that end.

9 But with that, I look forward to any  
10 questions or comments that you might have. And that's  
11 all I have for now.

12 MODERATOR CHRISTOPHER ROGERS: Thank you,  
13 Mark. Just to reiterate that. Because it wasn't  
14 apparent in this slide, but Mike had mentioned it now  
15 that Mexican incursions are not authorized, and we  
16 have been working with the Coast Guard to characterize  
17 that, and try to work on that information to get more  
18 information that we can work into the stock assessment  
19 to get a handle on the potential impacts of that  
20 illegal fishery in -- the impacts of that illegal  
21 fishery on the populations who are particularly of  
22 small coastals.

23 And again see how that would work its way  
24 through on the stock assessment. But with that I'm  
25 trying to recall, I think, I said I would start with

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1 the head table, the other head of the table here --

2 SPEAKER: Points of, well, clarification,  
3 then again --

4 MODERATOR CHRISTOPHER ROGERS: All right.  
5 So for the first round, we'll ask for points of  
6 clarification and then we'll get into comments. Any  
7 hands for points of clarification? I got both sides  
8 and I said, I'd start in the middle and --

9 SPEAKER: It's going to be an education, let  
10 me, go -- just go through -- it's going to work in --

11 MODERATOR CHRISTOPHER ROGERS: Several  
12 points of clarifications. Let's just take the  
13 comments and just --

14 SPEAKER: Just do it.

15 MODERATOR CHRISTOPHER ROGERS: Russ Nelson.

16 MR. NELSON: It seems to me, you got a  
17 pretty simple solution here. You've got gillnet  
18 fisheries operating out of Florida that -- the gear is  
19 illegal in Florida, it's illegal in Georgia, it's  
20 illegal in South Carolina. The South Atlantic Council  
21 has repeatedly asked this group and your office to  
22 prohibit this gear in that fishery.

23 It's got a large by-catch of other finfish,  
24 and it seems to be pretty simple. Just get --  
25 prohibit that gear, you eliminate the Finetooth

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1 overfishing problem and you significantly reduce a lot  
2 of other finfish by-catch.

3 MODERATOR CHRISTOPHER ROGERS: Okay. Thanks  
4 for the comment. But just to clarify what Mike had  
5 presented is those five gillnet vessels that routinely  
6 target small coastals are only accounting for about 10  
7 percent of the landings of Finetooth. If we were to  
8 prohibit it, I presume that the by-catch in the non  
9 small coastal directed gillnet fisheries would still  
10 encounter Finetooth, and it would just convert from  
11 landings to dead discards. So --

12 SPEAKER: Well, I would --

13 MODERATOR CHRISTOPHER ROGERS: Again, that's  
14 an option we can consider, but just to recognize the  
15 magnitude of the impact in prohibiting it may not be  
16 as much as it might appear at the surface.

17 SPEAKER: Well, I think that you should  
18 coordinate action then with the South Atlantic council  
19 to prohibit the other drift gillnet gear, the other  
20 gillnet gear out there. And between your office and  
21 the South Atlantic council, you can solve the problem.

22 MODERATOR CHRISTOPHER ROGERS: Okay. All  
23 right, Ellen Peel.

24 MS. PEEL: On your chart here, on page 256,  
25 it shows the by-catch in the fishery, it shows 30

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1 sailfish and two Blue Marlin, which were taken -- is  
2 this chart just for these five boats or is it for --

3 MR. DICK: Yes, that would be just for the  
4 five boats that are --

5 MS. PEEL: Just for those --

6 MR. DICK: Currently in the Drift gillnet  
7 Observer Program.

8 MS. PEEL: And so these are the observed -  
9 - so there could be a higher by-catch of marlin and  
10 sailfish in this fishery than what's noted here.

11 MR. DICK: Possibly.

12 MS. PEEL: We need to look at that too.

13 MODERATOR CHRISTOPHER ROGERS: Okay, we'll  
14 come in this direction, here. Louis Daniel?

15 MR. DANIEL: One point of clarification, and  
16 then a question. MRFS is able to identify these  
17 things to species?

18 MR. DICK: Yes.

19 MR. DANIEL: Wow. Also what was your stock  
20 status determination criteria for Finetooth? What was  
21 your F/FMSY and your B/BMSY, so we'll have some idea  
22 of how much you need to reduce overfishing in order to  
23 no longer be overfishing.

24 MR. DICK: That's the problem it's a range,  
25 0.13 to 1.5.

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1 MR. DANIEL: For F/FMSY?

2 MR. DICK: Yes.

3 SPEAKER: What's the range again?

4 MR. DICK: I'm sorry.

5 SPEAKER: What's the range again?

6 MR. DICK: 0.13 to 1.5.

7 MR. DANIEL: So what's the median? I mean,  
8 that's under utilized to slightly overfished?

9 MR. DICK: Yes.

10 MR. DANIEL: So what's the -- so, are you  
11 taking -- just taking the extreme end of the range to  
12 say that they are overfishing? What's the mean?

13 MR. DICK: The -- I mean, the people I  
14 conducted the assessment -- Enrique, I mean, they  
15 claimed that overfishing was occurring and because of  
16 -- I think it was just an -- you know, they wanted to  
17 make a conservative assessment, in order to reduce  
18 fishing mortality.

19 MR. DANIEL: But you can't do that. You  
20 can't --

21 SPEAKER: You can do that.

22 MR. DANIEL: No, no, you can't do that,  
23 because you don't now have any idea what stock status  
24 is if it's -- the range is 0.13 to 1.5 over -- on the  
25 F/FMSY, and you are not overfished. I mean, it makes

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1 sense looking at the data that they're not overfished.

2 And so it's confounding to me how if the stock status  
3 looks great.

4 If you take the first 50 percent of the data  
5 points -- I mean who made this conclusion that they're  
6 overfishing and was it peer reviewed and we need to  
7 know what the mean is -- and the 95 percent confidence  
8 (phonetic) that was around that mean before we can  
9 make recommendations on reducing overfishing when we -  
10 - I'm certainly not convinced that we're overfishing.

11 MODERATOR CHRISTOPHER ROGERS: All right.  
12 Just a point of clarification. The stock is not  
13 overfished in the small coastal assessment, but  
14 overfishing was occurring, so --

15 MR. DANIEL: That's not true. The range is  
16 0.13 to 1.5, with no 95 percent confidence and no  
17 mean. So, you can't say they're overfishing.

18 MR. DICK: Okay.

19 MR. DANIEL: In my opinion. I don't know  
20 how you could do that, when there is statistics looks  
21 like there is just as much likelihood that you could  
22 be under utilized as overfishing. So, how do you make  
23 the determination that you're overfishing?

24 MODERATOR CHRISTOPHER ROGERS: I don't have  
25 the small coastal shark stock assessment in front of

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1 me, but perhaps during the break we can go through  
2 that, but, clearly the stock assessment did identify  
3 it as overfishing is occurring. And we'll have to --  
4 a follow up discussion on the technicalities therein,  
5 and certainly a range was reported, and that was  
6 interpreted conservatively with respect to overfishing  
7 is occurring. But again, we'll get a copy of the  
8 small coastal assessment, and hopefully, can address  
9 your concern during the break. Any further comments  
10 on the -- left side here. Ken -- oh, Henry Ansley.

11 MR. ANSLEY: Yes, I just want to know --  
12 first of all, one comment. I was talking about -- I  
13 was looking at the landings, recreational landings  
14 under the MRFS survey and --

15 (Tape interruption)

16 MR. HUDSON: Suggest that if you wanted to  
17 do a time closure just to be able to give those  
18 animals a chance to dump their pups at the last  
19 trimester of their pregnancy, then, you know, in  
20 April, May, June, will potentially be useful. I'm not  
21 certain if these animals segregate much by size.  
22 People like Glenn Ulrich or something that has done  
23 little bit of study on that can maybe give an idea,  
24 but several people feel like it's a very healthy  
25 stock. And because your science is having to work

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1 with very limited inputs I'd be saying that you might  
2 be rushing to do too much.

3           So I would caution against that. If the  
4 idea is that you want to eliminate certain gear types,  
5 because down in Florida you just don't like them being  
6 there, offer Georgia; make them one offer. That's an  
7 idea that has been around for a while with the whale  
8 team, the bottlenose dolphin team, and even some of  
9 them are becoming more engendered to it, because they  
10 feel burdened by this 100 percent observer coverage  
11 for the five boats, and they also feel burdened by  
12 sometimes waltzing up and being the source of lot of  
13 criticism in case they have something like a big  
14 strike or something.

15           And you can't just bring all those stuff in  
16 because you are going to have that problem possibly  
17 happen, like with the Blacktips happened with the  
18 gillnet, because they have a 4000 pound trip limit.  
19 If you do put a trip limit on there, kindly consider  
20 what those landings are.

21           Look at those 18 boats that are fishing for  
22 croaker and whatever, because a lot of time there are  
23 very smaller boat only have X amount of capacity and  
24 you want to see just how much they're responsible for  
25 them. We need those kind of numbers to make, I

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1 believe, an intelligent decision. But like I say,  
2 without the by-catch numbers folded into the modeling  
3 you're kind of backing up here. You need to get that  
4 all corrected.

5 MODERATOR CHRISTOPHER ROGERS: Thank you,  
6 Rusty. Randy Blankenship.

7 MR. BLANKENSHIP: Thank you. On page 62,  
8 the last sentence is easy to misunderstand, and it  
9 reads, "Currently gillnets are banned in most state  
10 waters." And then there is a parenthesis to point  
11 six, well, "The three nautical miles except Texas and  
12 the west coast of Florida," et cetera, et cetera.  
13 It's easy to understand that to say that gillnets are  
14 banned except in Texas. So -- and you've written that  
15 right. It just --it's easy to misread it so we might  
16 take a look at the structure of that sentence?

17 Two other things. I want to, from the Texas  
18 Parks and Wildlife Department standpoint, offer our  
19 assistance to facilitate the cooperation between the  
20 Coast Guard in South Padre and the Texas Game Wardens,  
21 which are part of our agency, to collect the  
22 biological information from sharks and confiscated  
23 gillnets. I'm down there in that area, so, you know,  
24 I'll give you a hand as best I can to help make that  
25 happen.

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1           Also I want to express our interest in the  
2 bilateral meetings with the Mexican Government, if  
3 those happen, to address the issue of illegal  
4 gillnetting in the U.S. and Texas waters, because it  
5 is related to this illegal activity in Texas waters in  
6 addition to the EEZ, and also in the lower Rio Grande  
7 extreme portion where there's gillnetting taking place  
8 there too. I think you're also going to find that  
9 it's illegal to gillnet in Mexico, but there're no  
10 enforcements, so -- thanks.

11           MODERATOR CHRISTOPHER ROGERS: Thank you,  
12 Randy; we'll keep that in mind. I know that the U.S.-  
13 Mexico bilateral was rescheduled; I'm not exactly sure  
14 if I recall whether it's going to occur in May or  
15 June, but we'll find that out and see if it's  
16 available for a representative from Texas Parks and  
17 Wildlife to participate or at least we'll work with  
18 you before the bilateral to get your concerns  
19 addressed. Anyone else on the right side. Sonja?

20           MS. FORDHAM: Yes, I'm always on the right  
21 side, that's where I want to sit. Yes, have we moved  
22 off questions and now are into comments, because I did  
23 have some -- I have both. I'm trying to follow the  
24 rules.

25           MODERATOR CHRISTOPHER ROGERS: We took them

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1 together. We didn't separate questions for  
2 clarification from comments.

3 MS. FORDHAM: Okay, I'll start --

4 MODERATOR CHRISTOPHER ROGERS: So fire them  
5 all.

6 MS. FORDHAM: My questions are nicer.  
7 What's an SKI and an SKD?

8 SPEAKER: Shark Incidental and Shark  
9 Directed Permit.

10 MS. FORDHAM: Oh, okay. And the select  
11 species in the Gulf of Mexico shrimp; is that a new  
12 thing under their latest amendment that they're  
13 finishing up or is it always -- is that something they  
14 already have?

15 SPEAKER: I think in specific reference to  
16 their observer program, if we've started talking with  
17 that group in order to just to get a better handle  
18 when they sub sample by-catch Finetooth will be  
19 included. So that would be another set of catch  
20 series data for the next stock assessment to get --

21 MS. FORDHAM: So is it a program that they  
22 already have in place?

23 SPEAKER: Yes.

24 MS. FORDHAM: Okay. Up to now I've been  
25 really nice, but I'm really troubled, as you know,

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1 from last week about this, and the lack of shark  
2 actions in the pre-draft. I think overall my concerns  
3 boil down to the -- the wording here is very squishy -  
4 - this always happens to me, I'll wait. I'm just  
5 waiting for the staff to pay attention. All right,  
6 I'll just go ahead.

7 SPEAKER: Yes, just to clarify, the observer  
8 program for the shrimp fishery in the Gulf is already  
9 in place, and we have just spoken with the people that  
10 run that program, and they seem interested in adding  
11 Finetooth to their select list so that when they do  
12 sub samples, a by-catch Finetooth would be included to  
13 get a -- because right now it's just shark. If they  
14 get a shark, it's just shark, and then toss it over or  
15 whatever. And so now we're going to have, you know,  
16 additional by-catch data that was missing in the 2002  
17 assessment.

18 MS. FORDHAM: Okay.

19 SPEAKER: So I hope that makes that more  
20 clear.

21 MS. FORDHAM: That's -- yes, that does. As  
22 I was saying I think the wording is very squishy, and  
23 a lot of the actions are long overdue, which brings us  
24 to this problem that we have now where all these  
25 questions and all this confusion and Finetooth sharks

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1 are going to suffer, and this assessment was done in  
2 2002, and it looks like a lot of these questions, a  
3 lot of the things we could've done to approach other  
4 sources of mortality could've been taken care of.

5 And now we're down to the wire and there is  
6 -- there are a lot of hints that you might want to  
7 delay action on Finetooth till after the next  
8 assessment. And I just think a lot of this could've  
9 been done beforehand. As you know I'm troubled that  
10 this -- throughout this document this section, it  
11 says, we're going to reduce fishing mortality or  
12 address overfishing or prevent further overfishing.  
13 And the requirement is to stop or to end overfishing.

14 And that's -- should be made clear.

15 I think, as I've said before, this is heavy  
16 on collecting more information, and sort of shifting  
17 the blame and light on the proposed action. So we  
18 support action now in this round for this species.  
19 The -- developing the sop(phonetic) time proposals et  
20 cetera. And there has been, as you know, a lot of  
21 attention from this AP to those five vessels which  
22 have serious by-catch problems overall. So I hope  
23 there's some options in the draft for that. I don't  
24 know if you've approached the councils, but these  
25 other sources of mortality seem to be mostly Atlantic

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1 councils. And have you approached them, have you  
2 asked -- made any attempts to get the councils to deal  
3 with Finetooth by-catch and those -- the croaker plan;  
4 the blue fish plan?

5 SPEAKER: Not yet.

6 Ms. FORDHAM: Okay. I hope we could do  
7 that. Again, that shouldn't have to wait for an  
8 amendment. Just a little cooperation with the  
9 councils. I do strongly support a bilateral with  
10 Mexico that deals with this shark issue, but I would  
11 hope that you would not just say, "Stop taking sharks  
12 from our waters but manage sharks in your own," and  
13 there are a lot of sharks that travel across the  
14 boundary and the Mexican shark plan has been festering  
15 for too many years now.

16 So I'm hoping you'll use that opportunity to  
17 put pressure on Mexico to conserve sharks. Overall, I  
18 think a lot of this frustration deals with the other  
19 pressing issues that we've talked about for years and  
20 years with sharks, and Dewey and Rusty have already  
21 them up. Already at this meeting there is no formal  
22 time to talk about them, but the species-specific data  
23 collection and the problems with data collection with  
24 sharks, we really need to address that along with the  
25 state cooperation.

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1           And I'm just a broken record on this and  
2           there's no opportunity on this agenda and no real  
3           actions under that pre-draft that address these. But  
4           these are really important problems that have led us  
5           to this specific problem that we have here. And I  
6           just hope later before the meeting is over that we  
7           have a chance to talk about preventing overfishing and  
8           stopping overfishing and rebuilding a number of other  
9           sharks or protecting particularly vulnerable species  
10          like the deepwater sharks. We put these in our  
11          comments several times, and there's no opportunity so  
12          far in the agenda. So I hope you'll make time later  
13          in the meeting. Thank you.

14                 MODERATOR CHRISTOPHER ROGERS: Thank you  
15          Sonja. Bob Hueter and then Ken Hinman.

16                 MR. HUETER: Well, you're not going to hear  
17          me say that every Finetooth shark counts. Every  
18          individual Finetooth shark counts. Just so you know  
19          that I was serious about what I said about Sawfish.  
20          But this is a very interesting guy. This is a small  
21          species of shark and it's got a very patchy  
22          distribution throughout the southeast U.S. And in  
23          some localized areas like where Glenn works in South  
24          Carolina, it's almost common at certain times of the  
25          year. But throughout most of its range it's very

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1 uncommon.

2           So it's a species that's in many ways  
3 vulnerable to overfishing where overfishing could put  
4 it quickly into a highly depleted state. So the --  
5 you know, the concerns are justified. A couple of  
6 comments in response to what people said. Randy; as  
7 far as Mexico I completely agree with him. The Mexico  
8 problem is much more than a Finetooth shark problem.  
9 We have a Blacktip sharp problem; a serious Blacktip  
10 shark problem in terms of not having the data didn't  
11 know the catches, the removals that the Mexican are  
12 responsible for in.

13           By the way for your document, Panga, it's  
14 spelled P-A-N-G-A, I believe, not P-O, although it  
15 sounds like pongo in the anglicized version. So we  
16 need to get -- we need to get that fixed; that would  
17 help with the assessment of all these species. On  
18 Louis' question about the stock assessment for  
19 Finetooth sharks on page 173 is the table for fishing  
20 mortality rates and the rate was estimated for 2000 is  
21 0.13 to 1.5. And that -- you compare that to the  
22 maximum fishing mortality rate that's theorized at  
23 0.03 to 0.44. There is some overlap, but it's not  
24 huge; it's about a one-third overlap.

25           So based on that, those findings, the two

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1 independent assessments that were done that Randy  
2 mentioned, the one by Enrique Cortes (phonetic) in the  
3 southeast center and one by Collin Simphendor,  
4 (phonetic), both concluded that overfishing is  
5 occurring on this species, and that those were  
6 independent. Then what Dewey said about  
7 identification of species, I completely agree with.  
8 And I would ask the question in that 80 percent  
9 fishery, that mixed fishery that's responsible for 80  
10 percent of the landings, who's doing the identifying  
11 in that case? Because I know who is doing the  
12 identifying in the shark gill-net fishery. Those are  
13 observers that are trained by shark people: John  
14 Carlson, and his group at Panama City. So I have a  
15 lot of confidence in that -- those Ids, but I'm not  
16 sure I have a lot of confidence in the IDs in these  
17 other fisheries. Can you answer that?

18 SPEAKER: It's the dealers, general canvas.

19 MR. HUETER: The dealers? Well, good luck,  
20 because most biologists and I -- most ichthyologists  
21 can't tell a Finetooth shark from other species of  
22 sharks. So I would question the base of the -- the  
23 basis of that -- those data and wonder if it's really,  
24 you know, a 90/10 or, whatever it is, 80/20 split. My  
25 last question is to the NMFS staff. Somebody must

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1 know this by now: what is the annual cost of the  
2 observer program for these five boats in the shark  
3 gill-net fishery? They have to be observed a 100  
4 percent of the time during the right whale calving  
5 season, and a 35 to 50 percent of the time  
6 approximately the rest of the year. How much is NMFS  
7 spending in this observer program at this point?

8 SPEAKER: I believe, it has ranged between  
9 about a \$150,000 to close to a \$300,000.

10 MR. HUETER: That's per year?

11 SPEAKER: Per year.

12 MR. HUETER: And we've had to do that for  
13 how many years now? Three to four years?

14 SPEAKER: Since their critical habitat was  
15 identified for the right whales probably about five  
16 years now, I guess; that we've had that level of  
17 coverage. A 100 percent during the calving season and  
18 50 percent in other times.

19 MR. HUETER: And obviously that's something  
20 that you have to do. This is not mismanagement of  
21 funds. That's something that you are required to do  
22 because of the situation with the fishery. For Pete's  
23 sake we could've used that money to buy out this --  
24 these five boats a long time ago. I mean, I know I  
25 sound like a broken record on this; every year I bring

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1 this up, but for the reasons of by-catch issues, now  
2 for Finetooth shark overfishing, and this cost of  
3 observer programs let's please get rid of this  
4 fishery.

5 MODERATOR CHRISTOPHER ROGERS: Okay, Ken  
6 Hinman, I believe, is next, and then Louis Daniel.

7 MR. HINMAN: Yes, I just want to follow up  
8 on something that Sonja brought up as far as  
9 cooperation with the councils on this. And I  
10 understand that NMFS made the designation overfishing  
11 is occurring for Finetooth shark, and instructed its  
12 HMS division to take the appropriate action under the  
13 FMP. But if it is not now your policy to inform  
14 councils that are responsible for managing the  
15 fisheries that are identified to be responsible for  
16 the majority of mortality, if it's not already your  
17 policy to inform them that overfishing is occurring  
18 and ask them to take appropriate action also, I  
19 recommend that it should be.

20 It seemed like that's a big flaw in the  
21 system if the identification is only related to be  
22 responsible manager for the species, and asking them  
23 to take appropriate action when it's taken  
24 incidentally in other fisheries that are managed by  
25 other management bodies, and they don't get that same

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1 directive that this has been identified and that they  
2 should take appropriate action as well.

3 MODERATOR CHRISTOPHER ROGERS: Thanks. We  
4 obviously do work with the councils not only through  
5 the advisory panel but through consultations with the  
6 councils. But perhaps we do need to formalize the  
7 procedure with the direct communication on very  
8 specific issues. Any -- oh, Louis Daniel, next?

9 MR. DANIEL: Yes, and thanks Bob for  
10 pointing out that table. And if would you look at --  
11 back at that page 173, I think there's some important  
12 information there that everyone needs to recognize,  
13 and perhaps give some discussion on at some point.  
14 When I asked what was the ratio of FMSY, the range  
15 given was 0.13 to 1.5. That was actually the current  
16 F in 2000. So the terminal year of the assessment is  
17 2000. But as Bob pointed out, and he is correct,  
18 there are significant overlap between the ranges of F  
19 and the ranges of FMSY.

20 So there are many different iterations there  
21 where you could be in a situation where you are not  
22 overfishing. Now, if they concluded that they were  
23 overfishing, cool, all right, I can't argue with that  
24 right now. But the point is that what level of  
25 overfishing are you talking about? If your current F

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1 is 0.3, and FMSY is 0.25, that translates into a  
2 certain percent reduction, in order to end  
3 overfishing. If your current F is 0.8 and your FMSY  
4 is 0.3, that's a significantly higher reduction, all  
5 right.

6 And so we don't know at this particular  
7 moment what level of overfishing is occurring. And it  
8 might be that the 10 percent from the gillnet fleet  
9 takes care of your overfishing problem. And you buy  
10 them out, you get rid of them, if that's what the  
11 desire of everybody is, then you end overfishing. It  
12 may be that that won't do it; and maybe you need to  
13 have the whole fishery closed down. I don't know  
14 because you can't tell. And it's very concerning to  
15 me that these ranges are so significant in --  
16 particularly for Finetooth.

17 That suggests to me that there is a  
18 tremendous amount of uncertainty in the result of this  
19 assessment, because if you look at the terminal F for  
20 all the other species, it's a fairly tight range.  
21 Whereas with Finetooth sharks you're ranging from  
22 around the 12 percent annual exploitation rate there  
23 to probably in the 75 to 80 percent range, which is a  
24 huge, this, you know, range there.

25 So that really would give me a lot of

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1 concern if I were being regulated based on these  
2 numbers, because of the real severe ranges here. But  
3 we need to know the best estimate -- the best point  
4 estimate of FMSY, and the best point estimate of F  
5 current in order to determine what percent reduction  
6 you need.

7 MODERATOR CHRISTOPHER ROGERS: Thanks,  
8 Louis. Well, we'll certainly make sure that the next  
9 opportunity we'll try to be a little bit more specific  
10 or get those parties involved in the stock assessment  
11 to be more specific in picking their maximum  
12 likelihood perhaps for the point estimates, and see if  
13 we can do that quantitative assessment of the level of  
14 overfishing.

15 And obviously, you're correct insofar as if  
16 that quantitative estimate is, we have a slight  
17 problem of overfishing, then we need a slight remedy,  
18 if it's a major problem we need a major remedy. So I  
19 think I had -- Dick Stone, then Randy and then Henry.

20 MR. STONE: Chris, just a quick comment. I  
21 want to support what others have said before, the need  
22 for species-specific data.

23 MODERATOR CHRISTOPHER ROGERS: Randy?

24 MR. BLANKENSHIP: Related to the Shrimp  
25 Trawl Fishery Observer Program, you said that

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1 Finetooth would be added. I'd also say if at all  
2 possible if they could do all species identification  
3 on that it would be advantageous, because stock  
4 assessments change and the needs now may be quite  
5 different than what they may be, you know, in 2 years  
6 or 5 years or 10 years. And if you've got that  
7 observer information to species on the sharks -- on  
8 the shrimp trawl by-catch, that could be real  
9 advantageous. I don't know if that's feasible, but  
10 it's something to think about.

11 And I know that Bob Hueter was probably  
12 exaggerating when he said that ichthyologists couldn't  
13 identify Finetooth. But I think, you know, it's not  
14 that hard. You have to be careful but it's not that  
15 difficult.

16 MODERATOR CHRISTOPHER ROGERS: Randy. Henry  
17 and then Nelson.

18 MR. ANSLEY: Thank you. I just -- talking  
19 about the trawl catch, there -- if we got -- at least  
20 Georgia did, I suspect almost every state has done by-  
21 catch studies. We did identify two of the species.  
22 Our people were trained; maybe NMFS trained them or  
23 coast guard, one or the other, to the species. And of  
24 course they're yet to consider the fact that the TEDs  
25 went in, which helped considerably. But -- well, I

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1 was trying to figure out, well, where is the mortality  
2 coming from, because it looks -- in the map, it puts  
3 Georgia right in the Essential Fish Habitat.

4 And we were looking at it, and, in our by-  
5 catch study, you know, a 177 turtles is fishery  
6 dependent. Dating back to 1995, there's been three  
7 Finetooth caught in the trawl industry, you know, or  
8 at least in that study. Now, whether that's because  
9 of the TEDs or what, they do catch, I believe, a lot  
10 of Atlantic sharp nose pups because that's obviously -  
11 - there are obviously pups there. But Finetooth,  
12 again on the MRFS in Georgia, those three years that  
13 they reported, that are being based on -- the PSE is a  
14 100.

15 And it's -- from 2000 to 2003, actually, the  
16 estimates are based on actually three fish that were  
17 actually measured by our field clerks and we run it --  
18 we run the MRFS in our states so they're well trained.

19 So we are trying to figure out, well, where does this  
20 come from, and we are right in the middle of the  
21 Essential Fish Habitat. We have a coast bed training  
22 and they're not picking up too many Finetooth. We get  
23 them, but the trawl industry, apparently -- we also  
24 have an ongoing trawl monitoring that we've done. And  
25 they've seen very few Finetooth in their net and they

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1 don't have birds in their -- I mean, not birds, but  
2 TEDs in theirs.

3 So I'm not sure of it, but I would think  
4 that this trawl by-catch studies would be available in  
5 most states, and ought to be able to give you an idea.

6 Now, whether they went to species-specific, I'm not  
7 sure, but some of them may have. So I'm saying, look  
8 at those. Also the other thing is add to that table  
9 about season and then species, as far -- Finetooth and  
10 the size. If you -- I don't know if there is any area  
11 breakdowns might help, where these catches are coming  
12 from -- from the commercial industry, I guess.

13 SPEAKER: Just be South Atlantic or the  
14 Gulf.

15 MR. ANSLEY: Just that general. Okay, so  
16 there's no specific areas as far as --

17 SPEAKER: Well, if I -- yes, I could look at  
18 the actual logbooks and get the actual region for the  
19 -- from the South Atlantic --

20 MR. ANSLEY: Right. I think --

21 SPEAKER: From the General canvas --

22 MR. ANSLEY: Right. I think as much as you  
23 could break it down would help. And also on the MRFS  
24 data present -- when you present that, make sure you  
25 present the standard errors and stuff like that,

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1 because you need to look at these to see what it is  
2 being based on. And the other thing I would say for  
3 us is that Georgia actually would like to get rid of  
4 driftnet vessels also.

5 And I think that's pretty much said, I think  
6 I'd be remiss or I might be fired if I didn't say that  
7 it came here. We had another encounter with them of  
8 the worst kind, I guess, in state waters this past  
9 year. We seized another gillnet vessel and went to  
10 court with it and so forth. But, yes, we would be  
11 real pleased if something was done about them. That's  
12 it.

13 MODERATOR CHRISTOPHER ROGERS: Okay, thank  
14 you. And if you need a copy of the tape for the  
15 record that you said it, well, we'll get you a copy.  
16 We have Nelson, and I think that was it. Maybe we  
17 could take a break after Nelson.

18 MR. BEIDEMAN: Yes, Chris. In proportion to  
19 their fishing mortality responsibilities, that's the  
20 intended law. Whether they're recreational or  
21 commercial, gillnet or hook and line or hug the fish  
22 to death or whatever they do, we can't just go after  
23 them, because we don't like them. In proportion to  
24 fishing -- their fishing mortality responsibilities.

25 MODERATOR CHRISTOPHER ROGERS: Thank you,

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1 Nelson. At this point we'll take a break, and then  
2 we'll come into reducing overfishing; fishing  
3 mortality for billfish. Be back in 15 minutes.

4 (Whereupon, a short recess was taken)

5 MR. NELSON: Into the goals of this  
6 portion of the rulemaking. And those include the,  
7 obviously, the poor stock status and the high fishing  
8 mortality rate that we just reviewed. A sort of  
9 recent addition to this area is some relatively new  
10 information that shows that post-release mortality  
11 rates of White Marlin released on circle hooks may be  
12 higher than previously thought. John Graves.

13 MR. GRAVES: J-hooks.

14 MR. NELSON: J-hooks. Did I say circle?  
15 Sorry, J-hooks. It's approximately 35 percent and  
16 that is a sort of a new piece of the equation to be  
17 factored in the future. Also factoring into the  
18 entire rulemaking here obviously, is the domestic  
19 implementation of ICCAT, 250 marlin landing limit,  
20 which has been on the table for a few years, a need to  
21 improve the recreational data, which has being  
22 discussed here already, and as I mentioned, the  
23 pending ESA listing review.

24 The goals, it include reducing fishing  
25 mortality. I guess, that should say, "And/or

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1 landings," as appropriate and improving billfish  
2 monitoring and reporting. So to jump into -- well, I  
3 guess just before I actually get into the first one, I  
4 guess, the alternatives can really be loosely  
5 categorized in three -- into three categories: gear  
6 restrictions, landings restrictions, and data  
7 collection. So the first, obviously, is the no-action  
8 alternative and the numbers of these correspond to the  
9 numbers in the pro/con table in chapter 2 of your  
10 document.

11 So number one here is number one under the  
12 billfish list of alternatives in the pro/con section  
13 of your document. Two -- I think it's 2.3.3 in your  
14 big document. And in that pro/con there is obviously  
15 a much more detailed discussion of the pros and cons  
16 of each of these potential draft alternatives. So no-  
17 action, obviously, no changes in the current  
18 management measures. And this has -- would have no  
19 anticipated short-time adverse socio-economic impacts,  
20 but it does risk future implementation of potentially,  
21 significantly more stringent management measures, if  
22 stock status either doesn't improve or continues to  
23 decline. And obviously we'll have to wait till -- I  
24 think it's at this point, 2006, to see the next stocks  
25 assessment.

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1           So moving into gear alternatives or the --  
2       number two is -- I guess the easiest way to start this  
3       off is to say, when using natural baits or artificial  
4       lure/natural bait combinations, there would be  
5       mandatory use, under this alternative, mandatory use  
6       of circle hooks on vessels with angling permits, on  
7       charter/head boat permitted vessels on for hire trips,  
8       and on general category permitted vessels  
9       participating in tournaments.

10           The intent of that alternative would be to  
11       capture all facets of HMS recreational angling any  
12       time natural baits were being used. Obviously, you  
13       can see the pro/cons in the table there. One of the  
14       problems with this is that it doesn't necessarily  
15       target or hit on the target fishery here within the  
16       billfish section, which is the billfish fishery. The  
17       third alternative is with -- again, when using natural  
18       baits and/or artificial lure, natural bait  
19       combination, would be mandatory use of circle hooks  
20       for all billfish tournament participants.

21           And this -- one of the benefits here is to  
22       focus mortality reductions on the target fishery. And  
23       again, that is only when you are using natural bait.  
24       So you would be able to go fishing for HMS with  
25       artificial lures with J-hooks. But if there is any

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1 natural component to the terminal rig, then it would  
2 have to be a circle hook.

3 Moving to sort of the landings  
4 restrictions category, some tried and true pieces  
5 increase the minimum legal size limit for white or  
6 Blue Marlin. This could continue the fishery to allow  
7 with minimal disruption. But given the limited  
8 landings that occur, it may have a limited  
9 conservation or mortality benefit. If we're landing  
10 as few as we're reporting to ICCAT, then reducing by a  
11 handful of fish isn't going to turn the population  
12 around.

13 Fifth is to implement a recreational bag  
14 limit of one Atlantic billfish per vessel per trip.  
15 Again, this may have a limited conservation or  
16 mortality benefit and may have some adverse impacts on  
17 certain segments of the fishery. Obviously, charter  
18 vessels, it may complicate some trips. Alternative  
19 six is to codify the ICCAT 250 marlin recreational  
20 landings limit. This would include carryover  
21 provisions. Again, if you recall recommendation 0014,  
22 it mandates carryover of overages, but it allows  
23 carryover of underages, so there -- this does not  
24 guarantee that we would carry over underages.

25 It also would include in-season adjustment

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1 of minimum sizes, possession limits or any other  
2 measures, as necessary to make sure we comply with the  
3 250 fish limit. You can see some of the more obvious  
4 pros and cons. It would help us comply with ICCAT  
5 recommendations. It gives the agency a little bit of  
6 flexibility, in terms of trying to ensure compliance.

7 But it has potential disadvantages in terms of late  
8 season tournaments, if we begin to approach that 250  
9 fish limit on a regular basis.

10 Now, one complicating factor there is, I  
11 don't -- when we get to it, the potential switch to  
12 the calendar year from fishing year, that last bullet,  
13 obviously, the term late season would shift from what  
14 wouldn't, under current regulations, be spring to  
15 summer. So there would be a shift in terms of the  
16 geography that is impacted by potential restrictions.

17 Billfish landing restrictions continued  
18 potentially prohibit non-tournament landings of  
19 Atlantic White Marlin. Obviously, this would allow  
20 only catch and release fishing outside of registered  
21 tournaments. It would be difficult to impact -- to  
22 gauge the impact of this given the uncertainty that  
23 surrounds non-tournament landings and obviously may  
24 have some adverse socio-economic impacts.

25 Alternative eight is to prohibit

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1 tournament landings of Atlantic White Marlin. This  
2 would allow catch and release format tournaments to  
3 continue. It would eliminate the largest verifiable  
4 source of directed White Marlin effort at this time.  
5 It obviously may adversely impact some tournaments,  
6 and would -- could decrease available catching effort  
7 data, although you can still report catching effort  
8 data from catch and release fishing.

9 Billfish landing restrictions, the final  
10 one would be a prohibition on possession of all --  
11 prohibit all possession, retention, and landings of  
12 Atlantic blue and White Marlin. Obviously, this would  
13 allow only catch and release. It would potentially  
14 have adverse impacts on tournaments and CHP operators.

15 It would likely facilitate compliance with ICCAT --  
16 the ICCAT landings limit. It would likely decrease  
17 available data, but it would be relatively easy to  
18 enforce.

19 Moving into the recreational billfish data  
20 collection issues, they're all on one page here. No-  
21 action would continue the current tournament  
22 registration and reporting system, in a nutshell.  
23 You're supposed to register tournaments four weeks in  
24 advance of the commencement of a tournament. And  
25 you're supposed to report, if selected, within seven

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1 days of the closure or endpoint of the tournament, if  
2 you're selected.

3 Number two would require -- would have a  
4 very subtle shift in the regulations that, I think,  
5 could help clarify some confusion out there which  
6 would be currently the regulations say that you must  
7 notify NMFS of a tournament. This would change the  
8 regulations to the fact that you would have to  
9 register with HMS specifically, so it would eliminate  
10 confusion. A number of people have called the  
11 Southeast Fishery Science Center; there's been some  
12 confusion about what's registered and what's not.

13 It would also mean that tournament  
14 operators would have to be in receipt of a  
15 conformation number to have that registration process  
16 complete. And that concept comes from the callback  
17 system, which is in place for those of you who have  
18 used it. Your registration is not complete until you  
19 get that number from our office.

20 Third would be to potentially implement a  
21 tournament permit requirement and that would give us a  
22 little bit more enforcement power, if the tournaments  
23 were not registering or reporting as per regulations.

24 And finally, the forth would -- is another  
25 sort of subtle shift which would change the current

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1 reporting from -- for billfish tournaments from "if  
2 selected" to just "mandatory" for all tournaments.  
3 And that's more for a certain internal issue. It will  
4 help our recordkeeping and ease our administrative  
5 burden. The fact is right now, as a policy, the  
6 agency selects all billfish, so there won't be any  
7 real change for the angling community. The only  
8 difference would be you won't get a letter every time  
9 saying you need to report. You -- there is just a  
10 blanket obligation of billfish tournaments to report  
11 within seven days. And with that I will open it up  
12 for comments and questions?

13 MODERATOR CHRISTOPHER ROGERS: Thank you,  
14 Russ. Why don't we start on this side of the table?  
15 Jim Donofrio.

16 MR. DONOFRIO: Just have a question, Russ,  
17 on the mortality sheet there. Can you back to that,  
18 the first one there?

19 MR. NELSON: Yes.

20 MR. DONOFRIO: That 40, where is that  
21 derived from, that number?

22 MR. NELSON: Which one?

23 MR. DONOFRIO: On the right, on the top  
24 here. The White Marlin, yeah, the White Marlin one.

25 MR. NELSON: The White Marlin.

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1 MR. DONOFRIO: Yeah.

2 MR. NELSON: Is that point 0.12?

3 MR. DONOFRIO: Right.

4 MR. NELSON: That's the ICCAT assessment  
5 number of relative (inaudible), it's from the 2002  
6 assessment.

7 MR. DONOFRIO: All right. But the  
8 mortality, where is that coming from and where is it -  
9 or what's the actual source of the mortality?

10 MR. NELSON: Well, it's a combination of  
11 all the various fisheries. I mean, there is a large  
12 component is -- of various commercial fisheries, some  
13 domestic, some foreign, as well as the recreational  
14 communities contributed toward this, as well. I know  
15 where you're going.

16 MR. DONOFRIO: I'm not going anywhere.  
17 I'm asking a question.

18 (Laughter)

19 SPEAKER: Okay, he is asking you --

20 MR. DONOFRIO: I'm not going anywhere.  
21 I'm asking a question.

22 MR. NELSON: Okay.

23 MR. DONOFRIO: You know, just like anyone  
24 else would ask a question.

25 MR. NELSON: Okay.

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1 MR. DONOFRIO: I'm not going anywhere.

2 MR. NELSON: It is derived from the  
3 various fisheries for Blue Marlin or White Marlin.

4 MR. DONOFRIO: Okay. And regarding the --  
5 I guess you want some comments on these proposals  
6 here.

7 SPEAKER: As in --

8 MR. NELSON: Also, not just proposals but  
9 if you examine the pro/con --

10 MR. DONOFRIO: Yeah, I did -- I looked at  
11 it.

12 MR. NELSON: That stuff and --

13 MR. DONOFRIO: I don't know, from my  
14 perspective, I looked at them. I don't think I can  
15 choose any one of them. I mean, I can see there's  
16 different segments of each section in an area. You  
17 could take a little bit of each and come up with  
18 something to -- come up with a better way of managing  
19 billfish and not just pick one. As far as the 250  
20 fish, I wouldn't want to see us memorialize a bad  
21 deal. Our partners on the other side of the pond  
22 never lived up to it.

23 So, you know, I don't want to memorialize  
24 that and get it into our regulations here. But I  
25 think there is a combination of things that we can

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1     come up with collectively here from all those sections  
2     here that we read, and I can't say what they are right  
3     now. But just to pick one, I think, just isolates us,  
4     and you're going to see some comments from our, you  
5     know, organization anyway. But I want to be firm  
6     about the 250 fish. I know it's going to expire soon  
7     at ICCAT and we should let that expire. And I'm not  
8     saying that we should not address everything we can  
9     possibly do to reduce mortality.

10           One of the other concerns I have is, have  
11     we really defined what a circle hook is. I mean I  
12     fish with them; I particularly like them now. Problem  
13     is there is so many different brands they call circle  
14     hooks. And, you know, what is a circle hook, which  
15     one is a real circle hook? You know, they all get  
16     different makes. I mean, you know, before we go  
17     forward saying we have mandatory circle hooks.

18           Well, you know, we got to consider that,  
19     we have to define them, and then I think you have to  
20     give the industry, and these are tackle stores et  
21     cetera, time to phase out of their stock of J-hooks.  
22     I mean, you know, you can't just say, "Go mandatory  
23     right away," until you define them, number one, and  
24     then you have some time to phase out of their stock of  
25     hooks that are in their stores. So that's some of my

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1 concerns here. Thank you.

2 MR. HEMILRIGHT: If National Marine  
3 Fisheries chooses to go with the circle hook for the  
4 recreational, I think that's going to help reduce  
5 mortality. I would go along with Jim of letting them  
6 phase it out. We didn't have opportunity -- or let  
7 them phase out the J-hook so that they won't have  
8 large sources of J-hooks in their stocks. Because us,  
9 in the pelagic Longline industry, we weren't given  
10 that chance. Probably, got about a \$1000 worth of  
11 hooks, at first we used those in trying to send them  
12 to another country. But hadn't got them in the mail  
13 yet.

14 When you look at these, the landings for the  
15 billfish, the 250 number, National Marine Fisheries  
16 should do everything in its power to look at -- that  
17 you don't get yourself in this predicament again, as  
18 far as a arbitrary and capricious number. Because  
19 it's like you've had to define your universe based on  
20 these 250 fish, and you have to look at all sources of  
21 mortality. I've read some reports about the circle  
22 hooks in other countries, that the recreational use  
23 and that looks promising. But it just -- I don't know  
24 if the recreational industry is yet ready to address  
25 that in the U.S. And that's my comments, thank you.

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1 MODERATOR CHRISTOPHER ROGERS: Dick Stone.

2 MR. STONE: Yes, Chris. Obviously, as Jim  
3 said, I will be submitting some comments for the  
4 National Marine Manufacturers Association, but just  
5 will make a few general comments. And, one, data  
6 collection obviously is still a concern, as I have  
7 expressed before. And I think here it certainly shows  
8 that we wouldn't have been in the bind we're in now,  
9 if we'd had good data collection for this fishery over  
10 the years. So I'll just reiterate what I've said  
11 before. Thank you.

12 MODERATOR CHRISTOPHER ROGERS: Rick Weber?

13 MR. WEBER: Russ, a couple of tournament  
14 issues first. In the safe report, we've got -- you've  
15 got claims that there are 300 to 400, and you referred  
16 to them as tournaments based on an Internet search.  
17 The page before, you define what a tournament is. Has  
18 there been any analysis to determine that those 300 to  
19 400 events are actually tournaments as defined by  
20 NMFS? Or is the -- or do we just know of 300 or 400  
21 events because you've got a definition you need to be  
22 within. I didn't do the Internet search but, I guess,  
23 if -- can you define for me what you mean by event as  
24 opposed to a tournament? That might help the answer.  
25 I mean for us a tournament, as you can see, it's, you

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1 know, anything with an award category or awards,  
2 points or prizes for an Atlantic HMS that occurs from  
3 an Atlantic coast port. So what would be an event  
4 that is not a tournament?

5 MR. NELSON: I'm thinking of the annual type  
6 club tournaments, you know. I mean, I -- there I  
7 won't use the word, but it's really more of a logging  
8 of who caught what, you know. You may not need to  
9 register for it. It may be that all club members are  
10 automatically in it. I'm just giving -- I'm being  
11 overly picayune only because you are -- I'm afraid of  
12 being portrayed as my industry being out of  
13 compliance, you know. When you say that there are 300  
14 to 400 tournaments and then follow it with, but only  
15 200 of them are registered, you are implicitly saying  
16 half of the tournaments just won't comply with us.

17 Perhaps, and perhaps, the 300 to 400 number  
18 is not accurate. And if you have that list -- if  
19 someone has that list, have we done things to  
20 specifically address those people who are not in  
21 compliance? I mean, it seems almost like you're  
22 setting a trap to say, "I know who these people are  
23 that are holding events. But they're not registered."

24 MR. RUAIS: There have been a number of  
25 efforts. We've undertaken a lot of efforts to get

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1 compliance. They include efforts -- outreach efforts  
2 from the agency which range from articles in magazines  
3 to distribution of 62,000 brochures to calls and fax  
4 notices, letters, as well as efforts from enforcement  
5 when -- who will identify tournaments on their own or  
6 at the request of another portion of the agency,  
7 whether it be HMS or the science center to find  
8 tournaments that have not complied.

9 MR. NELSON: All right. I'm -- like I said,  
10 it's more of a perception thing within the agency that  
11 I don't want my industry being perceived as avoiding  
12 compliance. You also said earlier, you know, in a  
13 private discussion that you've got some constraints  
14 now that won't let you pursue particular events that  
15 do not renew. If that's true, I'd hope that there  
16 would be some type of standardized way that we could -  
17 - if you can't pursue a particular event because of  
18 legal constraints, perhaps a little more reminder or  
19 something like that that is done to a broad base that  
20 wouldn't violate your constraints.

21 MR. RUAIS: And if you have any suggestions  
22 on how -- and this goes to everyone on all issues, not  
23 just tournament issue. But we are always looking for  
24 ways to improve our communication with all sectors and  
25 communities, and we're often criticized for not doing

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1 enough to communicate with folks. And, frankly, a lot  
2 of times we've done what we can reasonably do within  
3 whatever restraints we're given, and we're just either  
4 out of ideas or out of the ability to do something  
5 else. But if you all have ideas on how to better  
6 communicate, whether to use you all as a conduit or  
7 whatever it is, please let us know.

8 SPEAKER: All right. Not long there after,  
9 I see here that we're now registering tournaments in  
10 the Bahamas, Turks and Caicos, and Mexico. What is  
11 happening with the landings from those events? You --  
12 if you allow them involuntarily, what is happening to  
13 their catch reports?

14 MR. NELSON: You have to talk to the science  
15 center. They're the ones who track those. We will  
16 register them, if they come to us, primarily. They  
17 will register with us, if they are really full of U.S.  
18 fishers. And a U.S. -- a fish caught on a U.S. boat  
19 is a U.S. fish, landed -- even in a foreign country,  
20 is a U.S. fish. How the science center incorporates  
21 those landings, I am not 100 percent sure whether we  
22 can find out.

23 MR. RUAIS: I'm just more interested in  
24 making sure that we're excluding the non-U.S. boat  
25 data. If there is non-U.S. boat data because it is a

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1 foreign tournament, we need to exclude those data in  
2 these days when we're counting each fish. Going back  
3 Hueter, each fish is important. Regarding the landing  
4 restrictions, size restrictions, those type things,  
5 recreational fishermen are optimists. I've said it  
6 before each time we discussed a size limit versus a  
7 bag limit.

8 Tell a recreational fisherman, "You can  
9 catch all you want, but they got to be this big."  
10 They're going to think they're going to catch it and  
11 they will continue to fish. Tell the same person you  
12 could only catch one, it decreases the optimism and in  
13 truth, that's what those of us in the recreational  
14 industry sell, is optimism. You know, the people  
15 don't have to catch so much as believe they're going  
16 to catch. So I will always take a size limit over a  
17 bag limit. Regarding the separation of a non-  
18 tournament caught fish versus a tournament fish,  
19 either seven or eight, I'd be opposed to both of them.

20 I think it leads to more in-house division.

21 I've always maintained that a tournament  
22 fisherman is just a recreational -- a bunch of  
23 recreational fishermen who decided to do the same  
24 thing on the same day, and I want to neither penalize  
25 them or give them special privileges for doing so. I

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1 always thought the registration and permitting of the  
2 tournaments had more to do with -- it was an easy  
3 place for NMFS to get data. And speaking for our own,  
4 we were more than happy to comply. But I wasn't  
5 looking to make our fishermen, as I say, advantaged  
6 nor disadvantaged.

7 The final thing I have, when Mike was up  
8 earlier, he said that his interpretation of Magnuson  
9 is that it requires the agency to reduce mortality of  
10 all species identified as over-fished. It does not  
11 discuss landings. In your slides, you have said you  
12 want to reduce mortality and/or landings. If we've  
13 got the 250 number to deal with, that's one thing. If  
14 we're not talking about the 250 number, there is no  
15 reason to get involved with the landings at all.  
16 Going further down the mortality, obviously there are  
17 multiple sources of mortality, regardless of landings.

18 Nelson, you fed me such bait, I can't not pick it up.

19 In proportion -- things are to be reduced  
20 in proportion to their fishing mortality  
21 responsibilities, it was the last thing you said. My  
22 only request is, when we start talking about  
23 reductions -- and perhaps the circle hooks are  
24 sufficient. You've gone to circle; we move to circle,  
25 everybody is reducing mortality. I just -- we both

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1 are to do -- you need to make sure that you're chasing  
2 all sources of mortality, when you do this. And  
3 finally, that would go back to point number 13, which  
4 everyone in the recreational fishing industry was  
5 going, no, you can't get rid of goal 14 and 13. Thank  
6 you.

7 MODERATOR CHRISTOPHER ROGERS: Thank you  
8 Rick. Pam Basco.

9 MS. BASCO: Getting back to compliance for  
10 registered tournaments; so do we have a definitive  
11 answer on what constitutes the tournament as opposed  
12 to say a club contest that goes year long?

13 MR. NELSON: Well, I'd say there is a  
14 well-defined definition of a tournament and if the  
15 club event fits that definition, then it would have to  
16 be registered. And there are some that are -- there  
17 are a number in the database of --

18 SPEAKER: Rodeos.

19 MR. NELSON: Rodeos or yearlong  
20 tournaments by a club, which is sort of the impression  
21 of -- I get of what you two are talking about, which  
22 have registered with us. And that goes say from, I  
23 don't know, April through November or that sort of  
24 thing. Yeah.

25 MS. BASCO: Well, as for instance Houston

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1 Big Game Fishing Club. We have a organized  
2 tournament, you pay a tournament fee. It's a weekend  
3 tournament. But we have also included in your dues a  
4 yearlong contest, where wherever you're fishing, you  
5 catch and release, or catch a fish, you turn in an  
6 affidavit. There is no registration fee for it. It's  
7 just a yearlong event. Would that be considered a  
8 tournament, as well? And a ton of other clubs along  
9 the Gulf Coast have those same type of events?

10 MR. NELSON: I have to look at the exact  
11 language and the definition. I don't know if, you  
12 know, offhand if they would qualify. I don't remember  
13 if there has to be an entry, a registration within a  
14 club or not. But if there are points and prizes  
15 associated with that, then yes, it would have to be  
16 registered. But I can't remember if there is a  
17 registration clause offhand.

18 MS. BASCO: That would be very valuable to  
19 know because, like I said, there are a lot of those  
20 events that are going on. And they're only  
21 registering their tournaments and they're not  
22 registering their yearlong club events.

23 MR. NELSON: My initial reaction, and I  
24 will double-check and get back to you right now, is  
25 that they would have to be, let's see -- "Tournament

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1 is defined as any fishing competition involving  
2 Atlantic HMS in which participants must register or  
3 otherwise enter, or in which a prize or award is  
4 offered for catching or landing such fish." So it's  
5 kind of gets to your point, but still that "or  
6 otherwise enter," is still a little ambiguous. So --

7 MODERATOR CHRISTOPHER ROGERS: Certainly,  
8 any comments on how one can better define the  
9 tournament, and if there is a reason or a rational  
10 basis to distinguish between a tournament and a  
11 contest or other type of event, we'd certainly like  
12 that input, and could revise the definitions  
13 accordingly. Mike Leech?

14 MR. LEECH: Okay. Once again it appears  
15 that the weight of rebuilding the Atlantic billfish is  
16 on the shoulders of the recreational angler, even  
17 though we probably account for 1 to 1-1/2 percent. In  
18 the book we were given here for the year 2001, '02,  
19 and '03, the RBS shows that we caught 330 blue and  
20 White Marlin. In the other figures we were given  
21 earlier, 3,000 some sets of Longlines reported 3,155  
22 White Marlin only, it didn't include blues at all,  
23 landed or released. If half of those died, it's still  
24 five times more than the recreational landings.

25 And I know this post-release mortality in

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1 both. And when you analyze it, all the recreational  
2 and all the commercial put together, probably, isn't  
3 going to make a measurable difference in rebuilding  
4 the billfish. It's -- they're both such relatively  
5 small numbers. Why are there no commercial  
6 recommendations? Everything in here is recreational.  
7 There is not a single commercial proposal.

8 MR. NELSON: To take those, sort of, one  
9 at a time. There are, obviously, in the area closure  
10 section, area of closures looking at -- reducing  
11 commercial by-catch of billfish. In terms of the  
12 mortality of rec. versus commercial, if you look at  
13 the ICCAT report, national report from 2000 and for --  
14 the most recent one, you get 19 tons of pelagic  
15 Longline dead discards. You've got 19 tons of rotten  
16 -- of dead fish attributable to recreational rod and  
17 reel, right there it's at 50 percent. Like you said,  
18 there it's 50 percent each. With regard to what --

19 MR. LEECH: Is that a published report  
20 some place? I've never seen it; I'd like to see it.

21 MR. NELSON: It's the ICCAT national  
22 report from --

23 MR. LEECH: Is it on a website some place?

24 MR. NELSON: Yeah. You've got with regard  
25 to White Marlin, in this most recent year in 2003, the

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1 mortality attributable to -- and this is known dead  
2 fish, this doesn't factor in post-release mortality or  
3 anything. For White Marlin, it is substantially less.

4 It was 3.6 percent instead of 50 percent. Just to  
5 give you a run down, not to harp on this point. But  
6 for Blue Marlin, the mortality attributable to the --  
7 to rod and reel from '99 through 2003 is roughly, and  
8 this is from -- this is comparing PLL dead discards to  
9 rod and reel fish that are known dead, 31 percent, 28  
10 or 29 percent, 42 percent, 26 percent, and 50 percent  
11 are the mortalities attributable to rod and reel for  
12 those -- from '99 to 2003.

13 And with White Marlin, it is substantially  
14 lower. It's 8.4 percent, 3 percent, 17 percent, 15-  
15 1/2 percent, 3.6 percent. So it's generally  
16 substantially lower. There are, like we said, some  
17 new -- there is some new information on post-release  
18 mortality on J-hooks, which is of concern, when you  
19 look at the ESA potential listing review that is  
20 coming up. And let's see -- in terms of -- your other  
21 point was that U.S. measures -- U.S. acting by itself  
22 isn't going to necessarily solve the problem. I don't  
23 think anyone disputes that.

24 The problem we're in is U.S. law is U.S.  
25 law and we're required to do what U.S. law dictates,

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1 even if we don't -- even if it isn't going to solve  
2 the whole problem, we are constrained by what the law  
3 says we have to do domestically. So I don't think  
4 anyone disputes that even if we eliminated all U.S.  
5 mortality, it's going to turn white or Blue Marlin  
6 around. But that being said, we don't have any  
7 discretion trying to reduce the over-fishing that's  
8 occurring on those stocks.

9 MR. LEECH: I was wondering if anything  
10 was done at ICCAT or what was reported at ICCAT, maybe  
11 John Graves can answer this, regarding compliance of  
12 the other ICCAT nations of releasing the live billfish  
13 that are brought into the boat. Is there any  
14 compliance with that?

15 SPEAKER: Well, there certainly has been  
16 some compliance with that. At last year's meeting,  
17 when we looked at the compliance tables, the overall,  
18 the total, if you looked down the entire column of  
19 reporting contracting parties and there were some  
20 problems with non-reporting. It was clear that  
21 reductions had been made. But it was also clear that  
22 the mortality reduction targets had not been met which  
23 was about 65 percent for White Marlin and about 50  
24 Blue Marlin, if I recall.

25 So at that point, we asked questions of

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1 specific countries and there really wasn't much  
2 offered, in terms of measures that would be taken by  
3 the other party. So we still have some ways to go in  
4 encouraging and getting ICCAT to enforce its  
5 recommendations on reducing mortality for white and  
6 Blue Marlin. But again, the overall story was yes,  
7 reductions were evident in the compliance tables, as  
8 reported, but not meeting the targets that ICCAT had  
9 originally stipulated. And certainly, we look forward  
10 to the next stock assessment to see how well whatever  
11 reductions have been made are going to be reflected in  
12 the stock status. John Graves, counter that point?

13 MR. GRAVES: Yes. I think you need to  
14 take into perspective here that this was a  
15 recommendation that passed in 2000 and didn't go into  
16 a fact until 2001. And then the way ICCAT works is  
17 its -- each nation is responsible for implementing  
18 domestic legislation that will enable the ICCAT  
19 recommendation. And even in the United States, we  
20 sometimes lag behind by a few years. So you have that  
21 delay and then on the fact that whenever they  
22 implement it, we're not going to get the data to ICCAT  
23 for another year and a half. So actually, the 2004  
24 fishing year was probably the first time that some of  
25 these nations could possibly even have had this

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1 reduction evident, which is why we'd like to look a  
2 little further at landings in the next few years.

3 But one of the major harvesters of blue  
4 and White Marlin in the Atlantic, which is Brazil, has  
5 gone into a no-sale provision and no retention. So  
6 they have implemented that. But that won't -- they  
7 just did that last year, so we're not going to see it.

8 So in 2004, this would probably be the first year  
9 that you would see the entire year where they're doing  
10 that. So we wouldn't see that until some time in  
11 2006, if we're lucky, for the assessment.

12 SPEAKER: Okay, I guess two countries out  
13 of 34 ICCAT members, is pretty good for ICCAT. The --  
14 I would really hate to see mandatory circle hooks for  
15 the general fishing public. I think it would make  
16 lawbreakers out of thousands and thousands of anglers  
17 who don't understand circle hooks, how they work,  
18 probably, would not comply. But I've got a suggestion  
19 that, possibly, if we have to have some mandatory  
20 thing, that it would be in tournaments. The South  
21 Florida tournaments already require circle hooks, just  
22 in tournaments that people don't like circle hooks and  
23 they don't want to fish them, they don't fish in the  
24 tournaments.

25 The people that have fished in the

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1 tournaments have found, "Gee, circle hooks aren't too  
2 bad. In fact, our catch rate is the same or better.  
3 And once we hook a fish it, probably, is not going to  
4 get off." Statistics have been shown down in  
5 Guatemala that it's a phenomenal fishing tool. We  
6 require it in the IGFA tournament in Mexico. And they  
7 will accept it in tournaments. And that might be a  
8 place to start, if we have to go to circle hooks at  
9 all, if we have to do something mandatory, that might  
10 be one thing to consider, is start with the  
11 tournaments.

12 SPEAKER: Thanks. Yeah, and that is --  
13 that's alternative 3. Thanks.

14 MODERATOR CHRISTOPHER ROGERS: Jo McBride?

15 MR. McBRIDE: Thank you, Chris. On this  
16 issue of circle hooks vis-à-vis J-hooks, in our area,  
17 we're basically trawling for Tuna with incidental  
18 catches of white and occasionally a Blue Marlin. And  
19 you put any time offshore, in contemporary times,  
20 you're lucky to catch one or two White Marlin a year.  
21 Maybe one boat in a fleet will run into a Blue Marlin  
22 on the edge somewhere during the year, not a heck of a  
23 lot. The difference with the circle hooks -- and I've  
24 used them inshore, I've used them for other species,  
25 but they are not a trawling mechanism. And they're

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1 basically a -- when you're using bait and you're  
2 drifting bait back to fish, whether -- and they --  
3 even including sharks, I guess. And they will get  
4 them in the locks and they'd be less, more talented,  
5 they don't swallow the bait. They don't swallow the  
6 bait as deeply with a circle hook and so forth and so  
7 on.

8 But when it comes to trawling with lures,  
9 90 percent of the billfish hookups are either in the  
10 jaw area or, as often as not, probably of those fish  
11 that are caught 50 percent are bill, they hit the  
12 lure, the trawl lure and they snag themselves in the  
13 exterior rather than inside. And I don't see, under  
14 that type of fishery, whether they ingest the fish,  
15 the bait, rather than the artificial bait in this case  
16 or perhaps the red ballyhoo or something else. The  
17 need to go to the circle hook -- the mandated circle  
18 hooks for a trawling fishery, which is what we do for  
19 the most part in our area. So -- and if I'm wrong  
20 here statistically, someone stop me. I'm neither a  
21 statistician nor a biologist, but I've fished enough  
22 offshore, which I put a lot of time in because I like  
23 to do it, amongst other reasons, as well as, my  
24 business being based on it to a great extent, I don't  
25 see the difference. .

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1                   And I know when you're speaking about your  
2 program, Nelson, which is, you know, certainly  
3 commendable, we are talking about baited hooks for the  
4 most part and the value of circle hooks in that type  
5 of fishery. I don't see it for a trawling fishery.  
6 But, you know, I'm no expert on anything.

7                   MODERATOR CHRISTOPHER ROGERS: Thank you,  
8 Jo. Anybody else down there -- Bobbi Walker?

9                   MS. WALKER: I have two comments I'd like  
10 to make. The first is on the 250 fish limit. If  
11 you're going to use that, then count the fish  
12 harvested in the same manner you did when you agreed  
13 to the 250 fish. Don't change in the middle of a  
14 rebuilding program. I know from serving on the Gulf  
15 of Mexico Fishery Management Council, one of the  
16 things that we're mostly criticized about is that we  
17 put regulations into effect that are only on paper and  
18 they're absolutely unenforceable.

19                   And I would ask you, have you checked with  
20 the U.S. Coast Guard and NOAA law enforcement officers  
21 to find out their opinion on how you're going to  
22 enforce circle hooks? Because I know in the Gulf we  
23 have boats that make multiple day trips, and they may  
24 billfish on one day and they may bottom fish on  
25 another day, and I just don't see how it's going to be

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1 enforceable.

2 MODERATOR CHRISTOPHER ROGERS: Thank you.

3 Well, we do understand that to be a problem that's  
4 addressed in many fisheries, even with things like  
5 mesh size where a trawl vessel might want to use,  
6 that's of various sizes, whether or not you can have  
7 the nets stowed, and things like that have always been  
8 issues. But certainly, this would be even more  
9 thornier problem to deal with, with several different  
10 hook types allowed onboard. So we've taken that into  
11 consideration and again the discussions are ongoing.  
12 Russ Nelson?

13 MR. NELSON: Yeah, let me preface this by  
14 saying that I'm here on my own. I'm not here for any  
15 client or anybody else. I'm just speaking for myself  
16 and in my public service here for this advisory body.

17 Yeah, I think that we should require circle hooks for  
18 anybody fishing for HMS species. But I have to agree  
19 with Bobbi and from my experiences as a fisheries  
20 manager, on a typical day off South Florida, I might  
21 go out with my brother, and fish, and we would anchor  
22 up, and drift some baits, or put some kites out in 100  
23 feet of water, and I could catch a cobia or  
24 occasionally a wahoo, certainly some dolphin or  
25 sailfish or king mackerel or Spanish mackerel. You

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1 don't know what you're going to catch. And you can't  
2 really enforce a rule that says -- unless you're going  
3 to say that everybody fishing in saltwater, for  
4 whatever they're fishing for, has to have a circle  
5 hook; you can't enforce it. But I agree with Mike, it  
6 certainly would be enforceable in -- at the tournament  
7 level.

8 And so I think that we should require that  
9 in any billfish tournament circle hooks be required  
10 for natural baits. And I think we should do whatever  
11 we can. I don't know if that means having to  
12 promulgate a rule that is unenforceable or if it's  
13 just a public relations or some way. But I think we  
14 should do everything we can to encourage everybody  
15 else fishing for billfish and other HMS species to use  
16 circle hooks. But that certainly could be required in  
17 tournaments.

18 I believe that tournaments should be  
19 required to have a permit, a permit that is revocable,  
20 and that they should be required to have mandatory  
21 permitting in a reasonable timeframe, post tournament,  
22 and that a consequence of not reporting can involve  
23 the revocation of a permit. We do this with other  
24 fisheries, other vessels, largely commercial  
25 fisheries, but it's a pretty good incentive to get

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1 your logbook in or your tournament report in. I don't  
2 know about increasing minimum sizes. That's really  
3 just a stopgap measure. I mean, it's kind of like  
4 trying to use a constant catch rate to recover a  
5 fishery in some ways. I mean, you can do it and for a  
6 while it tends to reduce catch, but then if stock were  
7 ever to actually start increasing in size, you just  
8 start running into a more bigger fish, and certainly -  
9 - I mean, I just don't know the efficacy of it  
10 anymore. I mean it doesn't bother too many people,  
11 though as somebody pointed out.

12           The idea of a one fish -- billfish per  
13 vessel limit is probably not going to affect more than  
14 about one half of 1 percent or one quarter of 1  
15 percent of all the trips out there. So I mean, if you  
16 want to do something that nobody will get annoyed at,  
17 I suspect you could do that fairly easily. I think  
18 that we should prohibit the retention of all White  
19 Marlin for a set period of time. Probably, put that  
20 in with the Sunset provision to give people some  
21 confidence that that is not going to be a permanent  
22 measure. But given the difficulties that we're facing  
23 and we have faced, the litigation and other things  
24 that we faced over the potential endangered species or  
25 ESA status of this fish, I think it only make sense,

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1 and that's what I think.

2 MODERATOR CHRISTOPHER ROGERS: Thanks,  
3 Russ. Ellen Peel?

4 MS. PEEL: Certainly, start off by  
5 reiterating that we keep objectives 13 and 14 in  
6 place. In terms of circle hooks, it's an interesting  
7 item -- a tool to work with. We find in our community  
8 that there is quite a large percent of people who do  
9 embrace them. They're -- it's not 100 percent yet. I  
10 do hear -- and I would ask for your assistance on  
11 this, as you draft a rule to define circle hooks.  
12 I've talked to some of the guys in the commercial  
13 industry, the folks who sell them, that say there are  
14 hooks out there by different manufactures that are  
15 called circle hooks that really aren't circle hooks.

16 So I think you need to be specific, if we  
17 want to get the conservation benefit here. We want to  
18 make sure that we're looking at hooks that really are  
19 effective. From tackle manufactures and sales, I do  
20 hear the argument and have heard the argument that,  
21 "Give us some phase in." Now what's realistic,  
22 whether it's you know six months, you know, by the  
23 time you get this plan in place, whether that will be  
24 timely enough, but I hear the arguments on give us a  
25 phase in, and then the enforcement seems to be a

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1 continuing problem but I will defer to the folks here  
2 from enforcement to explain how they might suggest  
3 handling that. Whether starting off with mandatory  
4 circle hooks in tournaments certainly gives you the  
5 greatest leverage on enforcement, and then you're  
6 going to get a lot of people who embrace them.

7 I mean, in tournaments there're a large  
8 percent, the biggest percent of the population  
9 probably are -- you may find that they're using them  
10 other than for artificial baits. They're going to use  
11 them outside of tournaments. But the two concerns are  
12 phasing in and enforcement defining it. Defining the  
13 -- what makes the circle hook?

14 In terms of prohibiting landings of White  
15 Marlin, we have a serious problem, obviously we all  
16 know. We have to -- we cannot take that out of the  
17 options of prohibiting White Marlin landings.

18 I know it's going to impact probably a  
19 couple of tournaments. You know, whether that too  
20 needs to be put in as a phase in and with a sunset,  
21 but I think we have to leave it on the table as we go  
22 through this process and evaluate what's going to give  
23 us the best return.

24 I have a question. The options here talk  
25 about prohibiting landings of marlin in tournaments

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1 and/or prohibiting them completely, or prohibiting  
2 them I think just outside of tournaments. I know,  
3 this year at ICCAT my understanding was that we went  
4 with the idea that the 250 applied to the tournaments.

5 Now, you do have the 250 in here to be  
6 considered, to be codified but, you don't specify, I  
7 don't believe whether -- how you were considering that  
8 to be applied; whether it was in or out of tournaments  
9 or total? But certainly I assume we're going to have  
10 to be consistent with the position at ICCAT. And to  
11 the point that Dewey made about, he said, "arbitrary  
12 capricious on the 250." There was a rational means of  
13 selecting that number at ICCAT. And as Bobby pointed  
14 out, if you're going to change the counting method,  
15 either be consistent in the counting method or go back  
16 and look at -- at where that number was derived from  
17 and either stay with the number or adjust it  
18 accordingly.

19 But, I think we have to look at the 250  
20 and be consistent with what we're doing at ICCAT. In  
21 terms of tournaments, if permitting tournaments gives  
22 you a greater opportunity to get data, I don't know --  
23 you were saying that you're not getting mini phone ins  
24 outside of tournaments. But I am hoping that you're  
25 getting most all the events. We'll certainly do more

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1 to try to help, help you get that. But certainly  
2 having a permit and making them all mandatory  
3 reporting, gives you, I would think, a greater  
4 opportunity to collect.

5 I raise one more issue on data collection  
6 that I've raised for at least three years. And I know  
7 it's a difficult one to answer because I've talked to  
8 general council a couple of times, and I've talked to  
9 HMS a couple of times and no one really knows what to  
10 do.

11 And I don't want some of -- some member to  
12 get in trouble because we don't have an answer, and I  
13 am afraid, though I've talked to Chris or I've talked  
14 to John Oliver from Tournament Docks (phonetic) before  
15 on my cell phone, I am afraid if they get a citation,  
16 no one is going to remember that. But there are a few  
17 foreign flag vessels that fish some U.S. tournaments.  
18 You see it primarily in the Caribbean where you have  
19 boats coming from Curacal (phonetic), coming from  
20 Dominican Republic, coming from British Virgin Islands  
21 fishing U.S. tournaments. You know, I am sure some of  
22 those tournaments are all released or you may have a  
23 few that land. If they'd land, then you'd probably  
24 decide what you're going to do with their statistics.  
25 But my concern is in terms of an angling permit. No

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1 one knows the answer. I don't know the answer, but  
2 certainly don't want people who're trying to be  
3 responsible anglers to get hit by a citation, and I've  
4 asked for three years for this to be looked into and  
5 no one yet has been able to give us an answer.

6 So we look forward to getting started on  
7 the process and go to the public and get the feedback  
8 for you.

9 MODERATOR CHRISTOPHER ROGERS: Okay, thank  
10 you, Ellen. Just two quick responses to your  
11 question. First on the 250 fish, for those who were  
12 had the pleasure of being in Morocco, the original  
13 draft of the U.S. proposals said the U.S. would  
14 restrict it's recreational tournament landings to 250  
15 fish. During the course of negotiations, we  
16 eventually had to cross out the word "tournament" to  
17 get the adoption of that recommendation with the  
18 support of several other delegations. So, it clearly  
19 refers to 250 recreationally landed fish, which would  
20 include tournaments and non-tournaments. That is the  
21 interpretation of the ICCAT recommendation.

22 Now if we did move to prohibit White  
23 Marlin because the recommendation also says 250 blue  
24 and White Marlin combined, more Blue Marlin could be  
25 landed up to the 250 limit because we wouldn't be

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1 landing White Marlin. So hopefully that clarifies  
2 that issue.

3 With respect to foreign flagged vessels in  
4 U.S. tournaments or even -- what are they called?  
5 Cruising permit -- to cruise from one port to the --  
6 to another during a fishing season along the U.S.  
7 Atlantic seaboard. They can get HMS permits through  
8 our system. I know initially the computerized system  
9 could not handle the registration numbers. There was  
10 pretty much set up for either the alpha-numeric of a  
11 state registration or U.S. Coast Guard documentation.  
12 And the system just was unable to accommodate what  
13 could be random from the computers perspective,  
14 whatever foreign registration systems. But we have a  
15 system now, I don't know if --

16 SPEAKER: Yes, Brad's here.

17 MODERATOR CHRISTOPHER ROGERS: -- Brad's  
18 here, whether he has to intervene with a little of  
19 human touch, so to speak to make it happen, or whether  
20 the system can now accommodate it as people enter it.

21 SPEAKER: I was actually going back and  
22 revising the system so it does have country codes  
23 available if they want to --

24 MODERATOR CHRISTOPHER ROGERS: Yes. So  
25 those permits now -- originally the Magnuson Act, with

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1 respect to all the foreign fishing provisions, it's  
2 had a very lengthily section on governing  
3 international fishery agreements and the State  
4 Department this and that, and all this commercial  
5 fishing with Tailfin (phonetic) and joint ventures.  
6 But then there was a little clause at the end that  
7 said, "But none of this applies to recreational  
8 fishing." And that was interpreted to mean that you  
9 didn't need to issue recreational fishing permits to  
10 foreign flagged vessels.

11 But since that time, when Magnuson was  
12 reauthorized, and I am not sure whether this was in  
13 1990 or '96, it does have a provision that if state or  
14 other federal fishery management plans require  
15 recreational permits, they can also be required of  
16 foreign vessel.

17 So again, the Magnuson Act speaks to it.  
18 The system can accommodate it. However, if it is a  
19 foreign flagged vessel, it should not count as a U.S.  
20 landed marlin. It should count against that country's  
21 allocation or if it's -- if it's a non-ICCAT  
22 contracting party, I guess, we would have some issues  
23 with it landing a marlin, in particularly in the U.S.,  
24 and may be we shouldn't count and accept that  
25 activity.

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1           ELLEN: One other question on registering  
2 tournaments currently; how do you handle U.S.  
3 incorporated tournaments that are outside of the U.S.  
4 jurisdiction?

5           SPEAKER: Well, the regulation stipulates  
6 that the tournament has to be from a U.S. East Coast  
7 port, I mean that's a part of the definition. We --  
8 there are some that have contacted us, that are  
9 operating in the Bahamas had send us their  
10 information. We do include those in the database with  
11 an asterisk next to them, and it's obvious where --  
12 when we put the location of the tournament, that it's  
13 not in the U.S. So they are -- they're included in  
14 the registration database. And then, like we said,  
15 it's the science center handles how they record those  
16 fish.

17           MODERATOR CHRISTOPHER ROGERS: Point of  
18 clarification, Russ?

19           MR. NELSON: Yes, thank you, Chris. I  
20 mean, this - something occurs to me. I mean, we -- if  
21 there's a U.S. vessel who fishes entirely outside of  
22 the country, they still have to be registered, they  
23 still have to meet all our requirements in that. If  
24 there are going to be actions taken that limit take or  
25 whatever, requires circle hooks, or do anything else

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1 for tournaments under U.S., under the Billfish HMS  
2 Plan, then it would seem to me only reasonable that  
3 those regulations would require to any U.S.  
4 corporation who ran a tournament, whether it runs it  
5 from U.S. soil or whether it runs at in Venezuela or  
6 the Bahamas or anywhere.

7 So I think that that's just something that  
8 certainly should be looked into. Otherwise we stand -  
9 if we're going to take some action against  
10 tournaments, we stand to create a -- well an advantage  
11 to those people who are working offshore that would be  
12 counter to any conservation intent of our regulations  
13 and would also give them perhaps a competitive  
14 advantage over the U.S. tournaments that had to follow  
15 through with these regulations. So I think it should  
16 be -- if it's a U.S. corporation, it's U.S. people  
17 running the tournament and making money for the  
18 tournament, wherever they are holding it, it seems to  
19 me they ought to be subject to these kind of --

20 SPEAKER: -- saying your part.

21 MR. NELSON: -- sanctions or frameworks or  
22 regulations, or -- Thanks.

23 MODERATOR CHRISTOPHER ROGERS: Thank you.  
24 Phil Goodyear (phonetic)?

25 MR. GOODYEAR: Yes. I just like to make a

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1 quick comment about post release mortality. It's  
2 clear from all of the literature and data I've  
3 reviewed that circle hooks are much better in terms of  
4 minimizing post release mortality than j-hooks. But I  
5 want to caution you that we have one estimate, which  
6 is from John's study, of what the j-hook post release  
7 mortality is. And that applies to a very small  
8 segment of the fishery with a very small sample size.

9 So what I'm cautioning is don't base your opinion  
10 about how much you're going to gain based on the 35  
11 percent difference between circle hooks and j-hooks  
12 from that one study.

13 It's clear that there will be a gain, but we  
14 don't know exactly how much it's going to be.  
15 Certainly circle hooks cause more than a zero percent  
16 mortality. That's really all I wanted to say.

17 MODERATOR CHRISTOPHER ROGERS: Thanks, Phil.

18 Bob Pride?

19 MR. PRIDE: Thanks, Chris. Going back to  
20 this definition of a tournament for just for a minute.

21 In Virginia Beach, Anglers Club, Peninsular  
22 Saltwaters (phonetic), Poor Fishers Association  
23 (phonetic), Tidal Anglers Club (phonetic), and couple  
24 others that I can think of in southeastern Virginia,  
25 they all have what they call an annual tournament, but

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1 it's really a contest. And what happens is, you catch  
2 a fish -- whether it's a striped bass or a Tuna or you  
3 release a marlin or whatever it might be, and you fill  
4 out a little card or a piece of paper and you turned  
5 it into the club that month. You're eligible to win a  
6 monthly prize, that might be a \$10 check or, you know,  
7 a piece of an expensive tackle.

8 And at the end of the year the top fish in  
9 all the different categories usually by species are  
10 eligible for some kind of trophy or plaque or  
11 something like that. And from what I just gathered,  
12 those are all tournaments now that would need to  
13 register if they do interact with HMS species. And  
14 there are hundreds of them up and down the coast.  
15 Hundreds. So I think, you know, probably every little  
16 fishing club in New Jersey has one and there's - I  
17 don't know how many fishing clubs are in New Jersey  
18 these days, but there are bunch.

19 So I really think we need to get that very  
20 much clarified and get that communicated, because I  
21 did not understand that those were included. I really  
22 didn't I've been -- I've actually been miss-informing  
23 clubs. And the fish may be being double counted if  
24 some have registered and then the anglers are  
25 individually turning in their fish also.

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1           Although we don't have too much evidence of  
2           that happening so -- Yes, so, or catch a fish in a  
3           tournament and enter it into the club contest. So I  
4           mean, and that happens, I mean, very often a fish  
5           could be entered in three or more tournaments in one  
6           weekend. You know, not so much HMS's in shore species  
7           but it's possible.

8           A second point on the 250 fish, you know, I  
9           agree that we shouldn't memorialize this and take any  
10          action and try to reduce that, but it brings us back  
11          to why we're in this position to begin with, which was  
12          poor data. And we've talked about the poor data, and  
13          we've talked about catch cards and tail tags and other  
14          things that we could do with some of these species to  
15          improve our record keeping, and I think we should  
16          proceed along those lines and do what we have to do  
17          with ICCAT in 2006.

18          With respect to by-catch issues, both in  
19          pelagic Longline fishery and the recreational fishery.

20          Pelagic Longline fishery has already endured time and  
21          area closures, implementation of circle hooks, they've  
22          had a involuntary effort reduction, and at this point  
23          I think we need to see the results of all that before  
24          we worry about doing something new.

25          The other thing I would say is that the

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1 circle hooks could be an effective tool to reduce by-  
2 catch mortality and the recreational fisheries, and I  
3 think we should at least start with an outreach  
4 program, you know, from NMFS to educate people about  
5 using them to find out what circle hooks are,  
6 recommending which hooks work better, you know, giving  
7 -- maybe workshop kits for fishing clubs to use --  
8 that sort of thing. Something that could be  
9 relatively inexpensive but to get the process started.

10 And as we learn more, you know, from studies  
11 like John's, perhaps we can, you know, come up with  
12 some mandatory requirements of what would make sense.

13 That was it believe, it or not. Thank you.

14 MODERATOR CHRISTOPHER ROGERS: Thank you,  
15 Bob. Louis Daniel?

16 MR. DANIEL: Thank you, Chris. I would  
17 certainly agree with Bob, in term from the state of  
18 North Carolina's perspective on the need to analyze  
19 what the impacts of all these closed areas and impacts  
20 to the Longline fleet have been before we add more to  
21 that sector. I would agree with Mike Leech that the  
22 mandatory circle hooks across the board would  
23 definitely create a significant problem. I won't  
24 speak to using them in a tournament or not. I'll  
25 leave that to some of the other members, but certainly

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1 main story circle hook would be real problem for some  
2 fisheries.

3           You know, I agree with Russ Nelson. You  
4 know, this scrap we're in with ESA listing for White  
5 Marlin could really create a significant problem for  
6 all of us sitting around this table, as well as all of  
7 our industries that potentially could interact with  
8 White Marlin.

9           And back to my comments two or three years  
10 ago, you know, it make no sense to me why our rank and  
11 file recreational fishermen would need to land a White  
12 Marlin. It just makes no sense.

13           I don't really have a feel one way or the  
14 other in terms of the tournament landings, but  
15 certainly not -- prohibiting non-tournament landings  
16 of Atlantic White Marlin would be a step in the right  
17 direction. Because as I understand the 250 fish, it's  
18 really sort of a cow-tow to ICCAT -- trying to show to  
19 them that we're serious about marlin management and  
20 want them to try and at least in some measure to  
21 follow a suit to some shape or degree.

22           The last question I have would be more of a  
23 procedural question and that is, is there a rebuilding  
24 time frame for the Atlantic white and Blue Marlin, and  
25 if so, how long is it? And if not, how can we -- how

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1 do we move forward without a rebuilding plan? What I  
2 understand, the impacts of the U.S. fishery both  
3 commercial and recreational on bill fish is  
4 negligible, and that actions that we take are really  
5 more ceremonial than substantive in terms of the  
6 coastwide, worldwide population.

7 But I'm fearful of the mandates under the  
8 guidelines for implementation of Max and Stevens  
9 (phonetic) that we have to have rebuilding plan in  
10 place for over-fished stocks.

11 MR. NELSON: To answer the last -- well two  
12 questions -- I think in the pre-draft document I did  
13 include a -- whether a percentage of the U.S. take or  
14 mortality is versus the international -- I think it's  
15 about four and a half percent. I can't remember  
16 exactly, but I think it's in there.

17 In terms of -- is there a rebuilding plan?  
18 In effect, there is not. There is a -- the plan at  
19 ICCAT 0013 is I believe the recommendation was termed  
20 that "the rebuilding plan." It's really more of a  
21 mortality reduction plan because if you read further  
22 into the document, it then says that, after these  
23 measures are implemented, ICCAT - or the SCRS will  
24 reevaluate it and the ICCAT will develop a rebuilding  
25 plan if necessary. So while it's labeled a rebuilding

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1 plan, it's really a mortality reduction plan.

2 And so there is not a time frame with  
3 milestones or anything like that, set in place to  
4 actually rebuild the population. There are  
5 significant steps taken to reduce the overfishing in  
6 the fishery, but there is no formal time frame for  
7 rebuilding set in place.

8 MR. DANIEL: Yes, to that point, what ICCAT  
9 had envisioned was a two-phase program. Phase one  
10 being, let's get some mortality reduction to at least  
11 stem the -- stem the tide so to speak, and then based  
12 on what we can accomplish and what information can be  
13 gathered, there's still some disputes, I guess you  
14 could say, scientific disputes on the nature of the  
15 stock assessments and the models used, and hopefully  
16 that will all be resolved at that the next occasion to  
17 do the stock assessment.

18 I know they had the intercessional meeting  
19 in Japan -- I certainly didn't go to it. I don't know  
20 if John, you had the occasion to go there. But they  
21 were going to look at modeling techniques and the so-  
22 called habitat utilization model. But as Russ said,  
23 clearly the indication was that, in phase two there  
24 would be an attempt to identify target stock sizes and  
25 time tables.

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1           That has not yet occurred because the stock  
2           assessment has been delayed and for good cause to get  
3           more information on the effective measures taken and  
4           to resolve some of these scientific differences, let's  
5           call them, on the modeling approaches.

6           MODERATOR CHRISTOPHER ROGERS: Ron Whitaker?

7           MR. WHITAKER: Yes. I've got a few comments  
8           but anyway, the first one - I've used circle hooks in  
9           sail fishing in Mexico the last two years and  
10          certainly see the light, and they're very effective.  
11          I use them White Marlin fishing and sail fishing up  
12          this way. As Blue Marlins go, I think, in my area,  
13          the verdicts still out on the Blue Marlin. In my  
14          opinion, a Blue Marlin feeds completely different from  
15          a White Marlin or a sail fish and the technique on  
16          most White Marlin and sail fish is you drop it back  
17          and lock it up, so it gives the fish -- eats the bait.

18          Blue Marlins, usually when I fish, I fish  
19          everything locked up, so it's usually a big hole and a  
20          bent pole. And normally that fish is hooked in the  
21          mouth and that's pretty much way it is, so, you know,  
22          I think, from an enforcement standpoint, you're going  
23          to have a little bit of a problem, because in our area  
24          a lot of people put a Hawaiian eye or an island of  
25          (phonetic) lure over the top of a bally-hoo , and you

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1 have a guy from the enforcement climb on your boat and  
2 say, "Well, let me see your lures." And he pulls out  
3 this thing, and he says, "Well this is my lure." And  
4 it might not have a bally-hoo on it and he says, you  
5 know, he says, "Okay, you're okay." And then he  
6 climbs off the boat, you put a bally-hoo on it and  
7 stick it out there.

8 So, it would certainly present a problem, I  
9 think, trying to make them totally mandatory for  
10 tournaments. As far as every day fishing, I agree  
11 with everybody else in here; it's going to be really  
12 tough. You know, when I leave tomorrow I'm going Tuna  
13 fishing, but I may hook a Blue Marlin and catch it.

14 And trying to establish parameters for what,  
15 you know, who is marlin fishing and who isn't, you  
16 know, you've got to be in a certain depth water, you  
17 know, how far off shore. It is just -- it would be  
18 very tough on the people who have to enforce it.

19 As far as the minimum size limits, I think  
20 the Blue Marlin could easily be raised to 105. I  
21 mean, most tournaments are a 400 pound minimum, 105  
22 usually equates there, but I'm kind of like Russell, I  
23 think that we have kind of stretched that out pretty  
24 well. You know, we've peaked it out about as much as  
25 we can. And, I guess I'm ignorant. I thought we

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1 already implemented a one per day limit. I know North  
2 Carolina has, and I think Florida has -- I thought I  
3 saw that on their reports.

4 So I certainly think we could do the one per  
5 day, per vessel on white or blue, not both. And I  
6 still hear the White Marlin and I certainly have,  
7 other than the White Marlin Open, which I know they  
8 depend on killing a White Marlin in that tournament,  
9 but, I think we could almost live without it.

10 As far as the landing restrictions, I never  
11 did -- this is a question, when does a year start?  
12 January or June?

13 SPEAKER: June 1st.

14 MR. WHITAKER: Okay.

15 SPEAKER: Or May 30.

16 MR. WHITAKER: Okay, it may change? Well,  
17 of course, that would certainly affect tournaments  
18 that are in May and in our area and would need to be  
19 looked at. A couple of more comments.

20 The charts in the SAFE report indicate, I  
21 think, a 143 registered tournaments for Blue Marlin,  
22 and a 125 for White Marlin, but I think this number --  
23 I think all the tournaments that are White Marlin  
24 tournaments are probably -- these are all the same.  
25 So really, we're only looking at about 143 registered

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1 tournaments versus somebody said 300 or 400. So, we  
2 need to clean that up and find out what the real  
3 universe is.

4 MR. NELSON: Would -- I'm sorry, the three  
5 or four hundred is not just billfish, it would be all  
6 HMS.

7 MR. WHITAKER: Okay, well, I know -- talking  
8 about what Bob said, North Carolina has their own  
9 citation program, which is considered a tournament,  
10 and I guess that would need to be counted. The -- and  
11 if -- I mean, if you want data collection again -- if  
12 you're going to have the tournaments have to have a  
13 reporting card, then, you know, make them turn in  
14 results before they get their card for the next year.

15 I think that's only way you're going to get results  
16 that we're all going to be happy with. And I wasn't  
17 aware that -- I guess I was, but anyway, if we've got  
18 to count the fish that U.S. vessels are catching in  
19 the Caribbean, especially the Bahamas, they had a  
20 killer year on Blue Marlins down there last year, and  
21 there was several that would be -- they'd account for  
22 several Blue Marlins down there, and probably not just  
23 the Bahamas, you know, the whole Caribbean.

24 I mean, there are bigger faster boats and  
25 lot of guys stay out of the country the whole year

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1 fishing. And that's about it. Thank you.

2 MODERATOR CHRISTOPHER ROGERS: Thank you,  
3 Ron. Henry Ansley?

4 MR. ANSLEY: Yes, I think that date that I  
5 mentioned to Chris earlier, I called -- we've been  
6 asking -- we talked about this -- oh gosh, before the  
7 first amendment was about putting in even more  
8 restrictive language. Allowing states more  
9 restrictive language to prevail over the federal, and  
10 then we were told to wait to bring it up until we  
11 started to talk about bill fish issues. So I'd like  
12 to bring that up again. It would be similar to the  
13 council's language and since we are catch and release,  
14 that's -- that would certainly help us out.

15 And, so I guess with White Marlin, we  
16 wouldn't have a problem with going to just catch and  
17 release, since we already are. And, I did -- that was  
18 a curious thing, I was worried -- would a -- is a  
19 records program considered a tournament under the  
20 definition? Because we are state record program, and  
21 I know you can IGFA. Do we have to register?

22 MR. NELSON: I mean, again I would have to  
23 see exactly how you -- how your records program is set  
24 up. But if they're registering in their given points  
25 or surprises -- I don't know if a certificate counts

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1 as a prize or not? That's pretty questionable. Is a  
2 piece of paper a prize? I don't know. If it's a  
3 check, that's a piece of paper, that would be a prize,  
4 but I don't know.

5 Greg was saying if it sounds like if they  
6 are just a state resident and they are landing a fish,  
7 they are sort of "enter by default" if they send you  
8 the documentation that they landed the fish. So, does  
9 that count as registering or otherwise entering, I  
10 don't know. I mean, I would hesitate to say yes, but  
11 I can't definitely say no.

12 MR. ANSLEY: Well, we have non-residents  
13 too, that would be entering also -- but, I mean, we  
14 wouldn't mind registering, just want to make sure  
15 that, you know, just cool with it.

16 SPEAKER: I'll get to you in a second, Bob.  
17 It is a situation that warrants some clarification,  
18 obviously because we have a provision to avoid  
19 duplication, that if it's not in a tournament you call  
20 your bill fish or Swordfish catch, and if is in the  
21 tournament, you can report through the tournament. So  
22 if any individual is unsure of his status as a  
23 participant or not in a tournament, we may end up with  
24 some double counting, and we do need to clarify that.  
25 So again, any advice you can give us on

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1 differentiating between a so-called contest and or  
2 event, and a tournament would be helpful.

3           Again, the intent is to capture all  
4 landings, whether they are in a tournament or not.  
5 But certainly, we want to avoid double counting, and  
6 given the emphasis on tournaments in the past, it's  
7 because it is the predominant mode of landing marlins.

8           That's why we had adopted that registration and  
9 reporting program. To that point, Bob Prime?

10           MR. PRIME: Yes, very quickly, Virginia has  
11 a citation program, just like North Carolina and other  
12 states do, and to be eligible to enter in that  
13 contest, that annual contest, you actually have to buy  
14 a salt water fishing license and submit your fish. So  
15 that, you know, that's an entry under the definition  
16 that you have. So it's kind of -- you know, I think,  
17 we all need to really sit down and hassle this out  
18 again. I'm very confused at this point. Thanks.

19           MODERATOR CHRISTOPHER ROGERS: Okay. Louis  
20 Daniel, very quickly.

21           MR. DANIEL: Yes, just -- If we have a  
22 tournament in North Carolina, many times if they bring  
23 the fish to the scale, we'll have somebody from the  
24 division there write out a citation for a North  
25 Carolina certificate as well. So there are many

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1 instances where our citation program at least, you  
2 would have a lot of double counting. And they may  
3 even call this fish in too, so, I mean, you could have  
4 triple counting, but it is something we need to do.

5 SPEAKER: They don't call their fish in  
6 though, in North Carolina and Maryland, because you  
7 have your tag program. We get your data separately.  
8 And it's factored in and --- so we wouldn't --  
9 shouldn't have to worry about that.

10 MODERATOR CHRISTOPHER ROGERS: Rich Ruais?

11 MR. RUAIS: John Graves' revenge. He's  
12 probably mad because I got the last of Bob McAuliffe's  
13 rum last night. I just wanted to take this  
14 opportunity to respond to -- what I thought was a  
15 fairly outrageous comment by Mike Leech that there is  
16 nothing in this draft that affects the Longline  
17 industry. And I see this draft as continuing the bulk  
18 of 2.70 million square miles of closure that have  
19 basically put 300 Longline vessels out of business  
20 since 1989, probably forcing over 2,000 families into  
21 economic ruin. And I think that's quite a  
22 contribution by those fishermen. And I just can't  
23 fathom the insensitivity towards that issue. Thank  
24 you.

25 SPEAKER: We've already given up a lot too -

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1 -

2 MR. RUAIS: I agree.

3 MODERATOR CHRISTOPHER ROGERS: Well, to that  
4 point, this section was addressing directed bill fish  
5 mortality, mortality attributed to directed fishing  
6 and obviously by definition, our regulations do not  
7 allow any directed fishing by -- by the commercial  
8 fleets so. Although, it's fair to say that there are  
9 avenues for addressing -- continuing to address bill  
10 fish mortality in the commercial sector, it's not  
11 addressed explicitly in this section. So the time  
12 area closures and by-catch evaluations sections -  
13 we'll deal with that issue. Pete Manuel?

14 MR. MANUEL: Thank you. Going to circle  
15 hooks in tournaments should start off slow like you've  
16 been doing -- additional prizes for release points on  
17 circle hooks, but you need to define a circle hook.  
18 Every manufacturer out there does it little bit  
19 different. You need to do the same thing you've done  
20 with the Longline fleet. You need to get a -- pick a  
21 degree of what's it's going to be and everybody's  
22 playing on same level field. And not shove it down  
23 their throat, give them some time to react to that.  
24 That's going to be an important issue. I know I use  
25 an iner (phonetic) hook for drum fishing on the days

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1 I'm not charter fishing back in the marsh.

2 And it's -- it's called a circle hook but it  
3 doesn't really meet any of the requirements of a  
4 circle hook. It has no offset whatsoever. So, I mean  
5 that's something that needs to be put in this  
6 amendment, if we're going to go to circle hooks that  
7 they offset whatever percentage that you arrive at.  
8 And I'm sure that fellow from Lindgren-Pittman and  
9 Nelson can work with you on that.

10 The second thing is as far as the  
11 commercial/recreational sector, I mean, I've won  
12 several million dollars in tournaments. To me, that's  
13 a commercial fishing, I mean, I got paid for my catch.

14 We got our picture taken before we took the check,  
15 but we got paid for it.

16 And the commercial fleet has taken a real  
17 beating in -- everything has got to be balanced and  
18 fair, and we all ought to be looking at the future of  
19 every fishery and not just my section. I mean, we  
20 need a balance, and you know, that -- if it means  
21 eventually going across the board in all fisheries to  
22 a hook that's less mortality, you know, it's just  
23 going to take some time to experiment with it. But  
24 it's something that needs to be addressed in every  
25 fishery.

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1           And then the other thing is, if I fish BBC  
2 Circuit I go to Bermuda, you're telling me my fish  
3 counts against the U.S. quota, if I kill a Blue Marlin  
4 over there? Bahamas -- how about Bermuda? If I'm on  
5 my boat, that's U.S., but -- even though I get a  
6 permit in those countries? But the Longline fleet  
7 again, it set the example: when they fish out of  
8 country, out of U.S. waters, their catch goes against  
9 U.S. allocation. So we ought to be playing on the  
10 same field they play on.

11           The other side of the coin would be the non-  
12 U.S. flag boats that are fishing in our tournaments,  
13 they should go against their country's count and not  
14 against our country's count. And that's about all I  
15 got to say.

16           MODERATOR CHRISTOPHER ROGERS: Thank you,  
17 Pete. We're just past 5:00 now, we're going to take a  
18 break before we get into Bluefin. How many more  
19 comments on marlin?

20           SPEAKER: Pretty much the whole side here.  
21 So --

22           SPEAKER: We can do that.

23           MODERATOR CHRISTOPHER ROGERS: All right,  
24 let's be quick, not that I'll cut you off but again  
25 this is a pre-draft stage and we can certainly engage

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1 you in conversations separate and apart to get more  
2 details. So just summarize the main points, please.  
3 Bob McAuliffe?

4 MR. McAULIFFE: Yes, well, most of you here  
5 look at me as a commercial fisherman. My earlier days  
6 was spent tournament fishing and running tournaments.

7 I was a founding member of the Virgin Island Game  
8 Fish Club, which is known pretty much world over. I  
9 had to put money up to build that sucker.

10 What I have to ask Chris, have you looked at  
11 all the different scenarios that will partake in the  
12 Caribbean? Even in a tournament, you can -- I can go  
13 fish on a foreign-flag vessel, a British vessel in an  
14 American tournament, go out to the North Drop, hook a  
15 fish on the American side, land it, board it on the  
16 British side, and we'll have up to six nations that  
17 might be in that tournament, and we can go to the  
18 south and fish in three different national waters in  
19 the same day.

20 There is going to be a lot of confusion, and  
21 who gets credit for what, for this regulations, for  
22 the circle hook, or the not-circle hook? If you come  
23 across the line you have to have an HMS permit, but if  
24 you go back across the line you are on a foreign  
25 vessel, do you still have to have it? All of these

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1 things. I think in your new position you're going to  
2 spend a lot of time looking at the Caribbean, finally.

3 SPEAKER: As long as I get to look at the  
4 Caribbean by being in the Caribbean, that's fine with  
5 me.

6 (Laughter.)

7 SPEAKER: Just leave our Rom alone.

8 MODERATOR CHRISTOPHER ROGERS: Okay, Ken  
9 Hinman.

10 MR. HINMAN: Okay. The emphasis has to be  
11 on mortality, I say that over landings. I think in  
12 this fishery we're at a point where the landings are  
13 an insignificant part of the overall mortality. And I  
14 think that's true in the recreational fishery now, not  
15 just the fishery overall. And I think that even  
16 applies to White Marlin.

17 You know, people have talked about  
18 prohibiting the landings of White Marlin. I don't  
19 know that that's really a conservation issue or that  
20 there is -- it's so small that there is really any  
21 conservation benefit to be gained from that. I think  
22 it is probably a legitimate public relations issue for  
23 the recreational fishery and it's probably a  
24 legitimate strategic issue for the United States at  
25 ICCAT. But I don't really see it as a conservation

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1 issue.

2 The only landings restriction -- additional  
3 restriction that I would suggest you look at would be  
4 in a maximum size for marlins. This is something that  
5 we are hearing about again. John Dean would speak to  
6 this if he were here, I am sure, but I think there is  
7 a strong sentiment among a lot of people that maybe we  
8 shouldn't be killing the largest, most-prolific  
9 spawners of such overfished species. So that might be  
10 something worth looking at rather than raising the  
11 minimum size at the other end.

12 But the emphasis should be on post-release  
13 mortality, I think, in the recreational fishery. And  
14 I won't repeat everybody -- everything everybody said  
15 about circle hooks except to endorse the idea that I  
16 think it probably should be a voluntary measure just  
17 because -- not just the enforcement problem of a  
18 mandatory regulation, but I think it's not just using  
19 circle hooks, but it's using them correctly.

20 And I think it is an education, we are going  
21 to have to educate people anyway. So I think the  
22 effort should be on trying to get some kind of  
23 cooperative system of educating people on using circle  
24 hooks, how to use them, getting some kind of  
25 consistent and best advice out there. You know, we

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1 are going to be putting things up on our website this  
2 year. And I think there probably can be something  
3 that we could all do together so that people are  
4 getting -- all getting the same and the best advice on  
5 how to go about expanding the use of circle hooks.

6 And I think the -- now, in the interests of  
7 time, I'll end it right there. I think that's about  
8 it.

9 MODERATOR CHRISTOPHER ROGERS: Okay, thank  
10 you, Ken. Gail Johnson?

11 MS. JOHNSON: Yes, I am going to go back to  
12 a word that I used earlier, and that's 'practicable.'

13 People have been -- I was dismayed that I didn't hear  
14 too much talk about the elephant in the room, and now  
15 I guess it's more likely a tyrannosaurus in the room,  
16 of the ESA. Realistically, there is nothing any of us  
17 can really do to change this. So going back to  
18 practicable, looking at the Magnuson requirements and  
19 things like that, the issue of 250 fish, that should  
20 not be a hard and fast number for these billfish guys.

21 The U.S. has better data on mortalities for  
22 billfish than any other ICCAT member. I have a really  
23 strong feeling after looking around in one little  
24 piece of the Caribbean that if all of the White Marlin  
25 were reported, that were caught, even today that the

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1 stock assessment would have to look different. And I  
2 can't help thinking that the way the White Marlin  
3 situation is right now with all of the unreported  
4 catches, the foreign catches, that it's nearly  
5 analogous to our drug war, that there is a market,  
6 somebody is going to fill it.

7 I really -- I don't have any good answers.  
8 And one other thing about Brazil putting a law in  
9 place, when I was there earlier, I talked with the  
10 company that we do business with out there and we were  
11 talking about VMS and other fishery management things.

12 And I said, "How come all the least boats have to do  
13 this, but nothing happens on the Brazil boats?" And  
14 the answer was, you know, EBAMA -- that is their  
15 enforcement agency, and whereas they seem to be pretty  
16 good at enforcing any leased vessels, the artisanal  
17 and Brazilian boats just pretty much do what they  
18 will.

19 Last year there were still what they call  
20 by-catch trips, which include targeted marlins.

21 MODERATOR CHRISTOPHER ROGERS: Thank you  
22 Gail. Nelson?

23 MR. BEIDEMAN: Yes. Oh boy, Chris is going  
24 to be on my ass before I get through all those notes.

25 SPEAKER: We'll take a break then.

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1 (Laughter.)

2 MR. BEIDEMAN: Now, a couple of things. One  
3 thing personally, I've always been in awe of what the  
4 recreational, you know, billfish industry has been  
5 able to accomplish. It's just no small feat to get  
6 people, whether they be fishermen or whatever, but  
7 especially fishermen from up and down and all over to  
8 be doing 98-99 percent of anything in, you know, our  
9 world, our country. And I have always been in awe  
10 that your community has been able to do that, and for  
11 all that good and right reasons.

12 Now, we are facing post-release mortality,  
13 domestically of course. We all know that pelagic  
14 Longline, Atlantic white is the only solution, but  
15 domestically we are facing the Endangered Species Act,  
16 and we have to talk about such things as post-release  
17 mortality. And yes, you know, and numbers can be  
18 juggled and the science is soft.

19 And what Phil brought up is very important,  
20 you know, be careful about circle hooks because we  
21 just don't know. But it looks good; it looks like,  
22 you know, there is some kind of a little miracle here  
23 that we have a comprehensive solution to a real bad  
24 problem. But a problem really goes beyond all that  
25 because we are not really just trying to ensure that

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1 we don't get any outside listing or more restrictions  
2 and everything else.

3 I mean, what your community, and mine, you  
4 know, really want and need is for that the first White  
5 Marlin that gets added to the stock, that that first  
6 one that's below, you know, the replacement yield  
7 level, and gets added to the stock, and that's the  
8 turnaround point. And we will never get there just  
9 fighting against each other, but if we can take, you  
10 know, a bad situation that we have domestically, and  
11 turned into a win internationally, then we stand a  
12 better chance to getting there.

13 And we are going to get there, but we will  
14 get there quicker working together. And that's the  
15 way I feel about it, I've always been upfront. Circle  
16 hooks I was very encouraged as it got more serious,  
17 less, you know, less resistant et cetera as it went  
18 around the table. I think that there is some serious  
19 support on the circle hooks.

20 Phase in, I don't know that you could  
21 accomplish it too quicker a phase in. I think you're  
22 are going to need two or three years at a minimum.  
23 And of course part of my job is to press on you, but I  
24 think, you know, realistically, you are going to need  
25 at least two or three years. Enforcement of that will

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1 be a problem because what we had to go to is no J-  
2 hooks on board, no J-hooks to catch a Mahi or anything  
3 else. You know, that's not going to be an easy  
4 problem.

5 Definition? There is a definition of circle  
6 hooks that the HMS division developed and promulgated  
7 in rulemaking in the Sea Turtle rule. If that  
8 definition becomes revised or altered, we would like,  
9 you know, the opportunity to look at other definitions  
10 as well. But I think that the -- if you are talking  
11 about a true circle-style hook shape and  
12 characteristic, the definition is already in the  
13 regulations.

14 Landings, you know, is very difficult. But  
15 it seems that your problem with reporting and whatnot  
16 is primarily outside the tournaments. And you might  
17 want to put as quick of a lockdown outside of  
18 tournaments as you possibly can because that's where  
19 your problem seems to be. And as far as the data, and  
20 that goes to our credibility at ICCAT, you know, it's  
21 got to be a tightening up to get the reporting systems  
22 that, you know, truly do work.

23 Then somewhere along the line, we go down  
24 yet another one of these arduous roads. We need to  
25 think together about such things as comparable by-

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1 catch-friendly import measures on all Atlantic HMS.  
2 It's probably wisest first to see how it goes a  
3 little, but not too far and not too long. If we don't  
4 see steady progress where it counts on the 95 percent,  
5 you know, we have got to get together and go up the  
6 hill.

7 There is just no two ways about it. We  
8 are 5 percent; the rest is 95 percent. We can kill  
9 each other in this room today and it's not going to  
10 save, you know, White Marlin.

11 There is another issue that I didn't hear  
12 anywhere and I do want to raise. And that's live  
13 baiting. Your community needs to think seriously  
14 about live baiting, I have some things that I would  
15 like to raise about live baiting. And I think we need  
16 to have, you know, more science and research in order  
17 to make some better decisions as far as live baiting.

18 You know, the reason for the Gulf of Mexico  
19 prohibition of live baiting was selectivity and harm,  
20 okay? Because it was possibly attracting more young  
21 marlin and it was getting deeply swallowed and that  
22 created, you know, a lot of concern, okay. Now, how  
23 much that concern has changed now with circle hooks is  
24 one question. Another question is if there is the  
25 concern about, you know, attracting more and potential

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1 harm, you know, should it just be on, you know, one  
2 fishery that may even be --

3 MR. NELSON: -- is dramatic. If used live  
4 bait you can out-catch both using, you know, dead bait  
5 two-three times. It's dramatic. I'd rather see them  
6 boats get loaded up and back in and painting their  
7 boats and maintaining their boats and being safer et  
8 cetera, et cetera, et cetera if it's unnecessary. If  
9 it's necessary then it should be good for the goose  
10 and good for the gander.

11 If it's not necessary with the advent of  
12 circle hooks and careful handling and release then we  
13 might want to consider some of your first steps as no  
14 live bating on J-hooks or something like that to make  
15 another incentive to switch over to the circle hooks.

16 But again, I have always, always been in awe  
17 of your industry, your community, because of that  
18 accomplishment, to get any group of people to do  
19 anything 98-99 percent. You know, that's quite a  
20 feat. And you got that behind you and so you can  
21 tackle this, and -- you know, if we all work together,  
22 you know, the true goal is the fish stock, the healthy  
23 fish stock.

24 MODERATOR CHRISTOPHER ROGERS: Thank you,  
25 Nelson. Glenn Delaney.

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1 MR. DELANEY: Almost started weeping there  
2 for a moment.

3 (Laughter.)

4 SPEAKER: Yes, I can hear the violins the  
5 background.

6 MR. DELANEY: Words well spoken and --

7 SPEAKER: I can't be a good boy.

8 MR. DELANEY: Sincerely delivered, I know  
9 that for a fact. Several points and questions. While  
10 I'm talking, could you go to the next slide because I  
11 just have a very specific question there? The  
12 management measures that were adopted by ICCAT for  
13 billfish in Morocco, when was that, 2000-2001? 2000,  
14 they're all kind of blurred together, although there  
15 was that belly dancer, that thing in front of me at  
16 the show, that was really memorable.

17 SPEAKER: But then there was brain sitting  
18 on the table, remember that?

19 MR. DELANEY: Right. But seriously the  
20 measures we adopted at that meeting were not a bad  
21 deal. I spent years as, you know, one of the  
22 commissioners watching the recreational community try  
23 year, after year, after year, after year to get  
24 anything at ICCAT adopted with respect to billfish and  
25 got nothing done.

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1           And it wasn't until that year that we put  
2   300 metric tons of U.S. Swordfish quota and traded  
3   that with Japan to get them to buy in some billfish  
4   recommendations. And they said, "Well, what is your  
5   recreational community going to do?" It, you know,  
6   had been harassing them for years and had built up a  
7   negativity in terms of their relationship. And they  
8   said, "Well, yeah, if we're going to do something then  
9   what the hell are you going to do?"

10           And, you know, it was a very simple horse-  
11   trading type situation. And -- but it broke the ice.

12           It broke a logjam that had existed for many, many  
13   years and was frankly going nowhere. And so -- and we  
14   sort of, you know, bought and kicked and scraped our  
15   way straight into it and got something on paper which  
16   is indeed a mortality reduction plan. And, you know,  
17   as you said, it's a two-phase program that's intended  
18   to eventually be a rebuilding plan with specific  
19   timeframes.

20           But until we know what the mortality  
21   reduction results are from that initial set of  
22   management measures, we may already be rebuilding for  
23   all we know, although that may be a bit optimistic.  
24   But those management measures have been extended,  
25   including the 250-fish limit, which was one of the

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1 things we had to put on the table and which was done  
2 with great consultation with the industry and the  
3 affected industry and the Agency -- are extended  
4 through to 2006, I believe, and will theoretically  
5 expire at that point.

6 Now, I believe the U.S. is going to want to  
7 go to ICCAT and have at least the live-release  
8 requirement management measures extended for whatever  
9 period of time the next phase is. And so what I hear  
10 is the 250-fish limit is something the U.S. may not  
11 want to have continued, but from a negotiation  
12 standpoint we're going to probably need to put  
13 something on the table in lieu of that if that is  
14 going to become a very noticeable element to the  
15 original plan that is going to suddenly fall out of  
16 the plan.

17 And it may well be that the discussions  
18 about circle hooks and the use of them in U.S.  
19 tournaments is something that from an ICCAT standpoint  
20 is maybe a desirable alternative to replace the 250-  
21 fish limit as part of our sort of commitment to ICCAT,  
22 that, "Yes, we're taking actually perhaps even a more  
23 effective step forward to reduce fishing mortality on  
24 marlin by, you know, phasing in circle hook use in our  
25 tournaments."

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1           And the nice thing about that is it sends a  
2 message to all those other countries too that circle  
3 hooks are good. And we have started talking about  
4 circle hooks at ICCAT. I mean, they're starting to  
5 get to be the buzz internationally as well. And that  
6 would be just one component of a U.S. effort to  
7 promote that notion at ICCAT.

8           So I'm just trying to think ahead as -- you  
9 know, believe me, if we had circle hooks or something  
10 to offer in the year 2000 instead of 250 fish, I  
11 would've been the first to use it. You know, but we  
12 just had to have something to offer. And you know, I  
13 think the result was very well received by the  
14 billfish community at that time. It was a tremendous  
15 -- in fact, the three commissioners got an award from  
16 the -- including myself, from the billfish community  
17 for it.

18           So, you know, it might seem like a bad deal  
19 in hindsight but if you put it into the context of the  
20 situation in year 2000, it was a major breakthrough.  
21 And so my point is think about what you want to put on  
22 the table instead of 250 fish. And, you know, I don't  
23 -- and maybe the circle hook approach is something to  
24 think about. You know, I'm all for flexibility and  
25 phasing in major changes in the fishery regulations.

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1 I work with commercial fisheries all over  
2 the country, have for years, and so the opportunity to  
3 let, you know, tournaments and the professional  
4 fishermen that participate in those sort of set the  
5 example for the rank and file and, you know, get out  
6 in front of their industry and show them that, you  
7 know, at least in tournaments we're going to try to  
8 apply this technology and be the guinea pigs to figure  
9 out how to make it work, whether it's with artificial  
10 bait or live baits or real, what you call, natural  
11 baits.

12 You know, maybe that you figure out those  
13 technological solutions so that maybe some day in the  
14 future it could be more practicable for the tens of  
15 thousands of non-tournament fishermen that are out  
16 there fishing HMS everyday. So I would say that, you  
17 know, that sort of approach of phasing in circle  
18 hooks, I think several people suggested that that  
19 might be a good way to go.

20 I can't imagine -- you know, I'm one of  
21 those tens of thousands of fishermen. I like to go  
22 fishing with my 13-year-old son for highly migratory  
23 species. But not often enough, but I don't know that  
24 we would know, you know, how to take a circle hook and  
25 effectively use it. Okay. Well, we -- now we know

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1 how to find out but I think, you know, realistically  
2 there's an awful lot of people out there that would be  
3 confounded by it. So that's one point.

4 On this chart up there, just a very simple  
5 question, a clarification. We have as a rebuilding  
6 biomass target, BMSY, as -- BMSY. We have as a  
7 management biomass target 1.3 BMSY, which is an  
8 interesting notion. I mean, at ICCAT our goal is  
9 BMSY. So how do we have a domestic management  
10 objective that exceeds BMSY, and why -- where did that  
11 come from?

12 MODERATOR CHRISTOPHER ROGERS: A very --  
13 that's a good observation. Well, that goes back to  
14 the reticence to give you up that explicit language in  
15 the objectives, of maintaining the highest  
16 availability. In other words, a higher stock size for  
17 a recreationally managed fishery means higher hookup  
18 rates, higher interaction rates. And because of the  
19 explicit management goal for the billfish plan to  
20 maintain highest availability and maximum fishing  
21 opportunities, that's why the management goal was  
22 higher than what would otherwise be a Magnuson Act  
23 requirement for a rebuilding target.

24 MR. DELANEY: Is that -- are those relative  
25 fishing mortalities relative to the rebuilding biomass

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1 targets or the management biomass target?

2 MODERATOR CHRISTOPHER ROGERS: Well, with  
3 respect to the ICCAT rebuilding plan I'm sure that  
4 ICCAT under its charge would go for the BMSY. But  
5 what we will maintain for the U.S. target is higher  
6 than that. And we will continue to strive for that.

7 MR. DELANEY: Well, you know, for that  
8 billfish community you're setting yourself up for a  
9 much higher standard in requiring much higher fishing  
10 mortality reductions to achieve a standard that's far  
11 excessive of the rest of the world. So I don't know  
12 if you want to reevaluate that. Do what you want to  
13 do but that's a pretty darn high standard to achieve.

14 That only means your relative fishing  
15 mortality is going to be further out of compliance and  
16 it would be with the BMSY target which is the standard  
17 for most or all fishery managements. I don't know  
18 what the real practical implications are in that but  
19 you might want to -- yes.

20 SPEAKER: Yes.

21 MODERATOR CHRISTOPHER ROGERS: I'm sorry.

22 SPEAKER: Just talking about that management  
23 biomass target, that's how OY in the further billfish  
24 fisheries depends. So that's a OY. I just -- shows  
25 that target because it's easier to --

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1 MR. DELANEY: That's a big target you're  
2 trying to shoot at. Another last thing, I -- this  
3 intrigues me, it's a small thing. But to have a  
4 foreign-flag fishing vessel land a fish in the United  
5 States, I always thought regardless of whether you're  
6 commercial or recreational, was against under the  
7 Nicholson Act, I think it's called the Nicholson Act.

8 I mean it's just illegal for a foreign flag vessel to  
9 land a fish in the U.S. So I don't know, just be  
10 aware of that. I don't think it has anything to do  
11 with the Magnuson Act. The Nicholson Act was back in  
12 the '50s or '60s or maybe even further than that.

13 MODERATOR CHRISTOPHER ROGERS: That's  
14 correct. I'm certainly not an expert of the Nicholson  
15 Act and it certainly has been applied consistently for  
16 commercial fishing vessels. Again, the Magnuson Act  
17 originally exempted recreational, foreign recreational  
18 vessels from just about everything that would be  
19 required of commercial vessels but it was updated to  
20 acknowledge the state and federal plans were  
21 increasingly regulating recreational fisheries and  
22 therefore foreign fishing vessels should not be exempt  
23 in their entirety. But I haven't researched --

24 MR. DELANEY: The Magnuson trumps the  
25 Nicholson Act in any -- in that respect. It's a -- I

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1 don't know, this is a angels on the head of a pin --

2 MODERATOR CHRISTOPHER ROGERS: I'll ask the  
3 attorneys to ponder that in their spare time.

4 MR. DELANEY: Where's our friend --

5 SPEAKER: Miriam.

6 MR. DELANEY: Miriam. She could spend an  
7 hour or two on that.

8 MODERATOR CHRISTOPHER ROGERS: We do really  
9 need to wrap this up. We've got Jack and Shana.

10 MR. DEVNEW: I'd be real brief but just a  
11 glance point that goes to the Nicholson Act which is  
12 part of the coast-wise trade laws and has to do with  
13 that coast-wise trades in the United States. Point of  
14 water being actually the same as a port as to why you  
15 can't, you know, when you got to be going foreign --  
16 or if you go between two points in the United States  
17 you got to be a U.S.-flying vessel.

18 Very briefly, the issues at hand here are  
19 two. One is data collection; one is mortality. With  
20 respect to data collection, there's a great comment.  
21 Once you get past the issue of what exactly is a  
22 tournament, what's not a tournament, you got to have  
23 some teeth in it. Someone made a brilliant comment  
24 about permitting the tournaments and if they violate  
25 the reporting, taking the permit. Brilliant. You

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1 know, you could throw a fine in there if you wanted to  
2 or not but we got to get better data. You guys all --  
3 one of the things you guys have all been very  
4 supportive of, always getting better data. So put  
5 some teeth into that. That's an easy enforcement.

6 With respect to mortality, I think the --  
7 you know, the circle hooks has great merit. It's a  
8 little thorny when you go past the tournaments but I  
9 think you need to go there. And perhaps with the  
10 tournaments too somebody made a comment about it "If  
11 you get a fish on a circle hook, you really got them,"  
12 or something like that. So you may want to  
13 contemplate de-hooking devices as well, especially  
14 with respect to tournaments.

15 Regarding landings, I don't know, I really  
16 don't have much of a comment on that except that I  
17 think that the landings, you know, may have a  
18 significantly more economic impact on the recreational  
19 industry and you really need to think about that.  
20 And, I think, you know, Russell and Ellen and Jim and  
21 Rick need to work on that. There seems to be some  
22 disparity there. I don't really ever comment on it  
23 other than it's a pretty thorny issue. I think it has  
24 more economic impact ramifications than does the  
25 circle hooks.

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1 MODERATOR CHRISTOPHER ROGERS: Okay. Shana?

2 MS. MILLER: Thank you, Chris. Although I  
3 realize it's beyond the scope of this panel, obviously  
4 the focus needs to continue on the international realm  
5 and, you know, realizing these mortality reductions  
6 that are now, you know, loosely required as well as  
7 achieving a bona fide rebuilding plan. And, you know,  
8 although the U.S. takes such a small percentage of the  
9 ocean-wide catch, you know, everything we that can do  
10 here leverages what we can ask other countries to do  
11 over an ICCAT.

12 And not to mention leverage to, you know,  
13 discourage an ESA listing in 2007 because, you know,  
14 the White Marlin are a candidate species and that may  
15 be pushed back but it's not going to be ignored  
16 entirely. So certainly, for the recreational fishery  
17 it seems like the biggest impact is from post-release  
18 mortality as far as from, you know, what I've seen  
19 with rates estimated upwards of 30 percent mortality.

20 Certainly circle hooks could be a really  
21 good mitigating action that, you know, you're not  
22 restricting what fishermen, how often they're fishing,  
23 what they're fishing for, you know, you're just doing  
24 a gear change.

25 And I agree with what a lot of people have

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1 said about the education of how to use circle hooks  
2 and also how to handle marlin. I mean, when I was a  
3 kid and we'd go out for fishing for marlin, you know,  
4 I'd pull them up on the boat and take a bunch of  
5 pictures and "Hey, look at me."

6 And, you know, now obviously I know that  
7 that was a huge mistake. And so there's your rank and  
8 file fishermen that still thinks that's okay and as  
9 long as they, you know, tow the fish upside down  
10 alongside the boat, and whack it against the side of  
11 your boat a couple of times, somehow it's going to  
12 swim away happily. So I think, you know, the handling  
13 is also something that really needs some more  
14 education on.

15 As far as the landings go I guess I don't  
16 see the -- I understand that maybe some people would  
17 be less likely to charter a boat if they thought that  
18 they -- if they knew that they couldn't land a White  
19 Marlin, but in this day and age I really -- I mean,  
20 you're ostracized if you land a White Marlin or, you  
21 know, even a Blue Marlin, but certainly for a White  
22 Marlin.

23 And, you know, there's -- in the pre-draft  
24 document it says that by banning landings of White  
25 Marlin you may imply that it's, you know, more elite

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1 fishery. But it's not a subsistence fishery on the  
2 U.S. east coast. You know, people aren't going out to  
3 catch marlin for food. It's just doesn't happen.

4 And, you know, even for taxidermy you get  
5 this big trophy price. They don't even use the fish  
6 now for taxidermy. So it seems like prohibiting  
7 landings wouldn't affect much of the allure of marlin  
8 fishing. I mean, that's just my perspective, but you  
9 know, I feel that strongly.

10 And as far as reporting goes I agree with  
11 what Jack said. I think Jack was commenting on Russ  
12 Nelson's comment that, you know, with data reporting  
13 being such an issue, requiring tournaments to report  
14 via, you know, the leverage of a permit, that they get  
15 it or don't get it, depending on their data reporting,  
16 it seems like a no-brainer. Thank you.

17 MODERATOR CHRISTOPHER ROGERS: Thank you,  
18 Shana. Last comment?

19 SPEAKER: I just want to make -- share with  
20 everyone, but several of them know about it, but there  
21 will be a billfish PBS aired on your PBS station Earth  
22 Day week, the 18th through the 23rd, it will be aired,  
23 you know, I mean, that's the first showing, April.  
24 I'm sorry, April. So if you're interested to check  
25 your listing -- but you'll see a number of people from

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1 this room that have participated cooperatively in  
2 this.

3 Well, we didn't make it, but, I mean, yes,  
4 hopefully, I mean, it's a documentary to introduce  
5 billfish to the wider audience.

6 MODERATOR CHRISTOPHER ROGERS: Okay, thank  
7 you for that. We're a bit behind. I do understand  
8 however that Rebecca Lent has a cameo appearance in  
9 that video so all the new folks are required viewing.

10 We're a little bit behind on our schedule. We had  
11 anticipated an hour and a half for some recreational  
12 Bluefin discussions and we've already used a half-hour  
13 of that. I think we can at least get through the  
14 presentation and perhaps a little bit of comments if  
15 we still want to go through 6:45.

16 That's about the limit I can handle because  
17 of the last train leaving Union station. But you'd be  
18 free certainly to continue the discussion on well past  
19 that into the midnight hours unless there's no rum  
20 left from the last night.

21 So why don't we take a short break, five  
22 minutes? It's probably not much to read or drink back  
23 there anyway. Use the bathroom and come back here and  
24 we'll at least have the presentation on Bluefin and  
25 see how much commentary we can get.

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(Whereupon, a short recess was taken)

SPEAKER: -- before we calculated the 8 percent. Do we have the option of calculating the 8 percent with the 25 tons?

MODERATOR CHRISTOPHER ROGERS: I believe we do based on the wording of the ICCAT recommendation, but Brad fill me in. I don't know if I used the word "ease" too liberally because it would be, what, two tons difference?

SPEAKER: No, no, it's four years. Four years --

SPEAKER: Yes, on an annual basis when you run the calculations of the 8 percent with and without the 25 metric tons being deducted. Without the 25 metric tons being deducted, it's 119.2 metric tons annually. So it would be 8 metric tons over the four-year period.

SPEAKER: A big relief potential there. Chris, my other question is the 2004 estimate of, I think, it was 359 tons, that is the -- precisely the same methodology that was used for 2002, 2003, no changes whatsoever based on, for example, the species working group recommendation of not making that assumption on the straight line measurement.

MODERATOR CHRISTOPHER ROGERS: That is

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1 correct, although that is being addressed separately.

2 SPEAKER: And separately --

3 MODERATOR CHRISTOPHER ROGERS: Each working  
4 group have recommendations.

5 SPEAKER: Okay. And are we going to talk  
6 about that at some point here? I thought this was the  
7 time but I -- if you have a better time to be talking  
8 about that -- I mean, we wanted to brief the advisory  
9 panel on the issue as well.

10 MODERATOR CHRISTOPHER ROGERS: Yes. Why  
11 don't we go through the comments on management options  
12 relative to the 8 percent allocation and monitoring  
13 the quota first? Louis Daniel, and then Bob will just  
14 continue in this direction.

15 MR. DANIEL: Thank you. Thank you, Chris.  
16 I mean, you know, this is an important issue to North  
17 Carolina and particularly since we're held up as the  
18 standard in terms of the monitoring program that we  
19 have in place with the tail-tag program in North  
20 Carolina, and Maryland as well. Certainly, I mean,  
21 this is the most valuable fish in the ocean. I don't  
22 want to be goofy about it, but I mean it's an  
23 extraordinarily valuable fish in terms of price per  
24 pound, Ellen.

25 And certainly -- and I think you ought to

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1 tag every billfish that comes onboard too. But  
2 certainly a tail-tag program for all the states to  
3 give us a mechanism to accurately account for this  
4 fish is critically important. To make certain that  
5 there's fair and equal access to the resource  
6 throughout the New England mid Atlantic and south  
7 Atlantic.

8 You know, we got sort of in a pinch this  
9 year when someone environmental organizations were  
10 concerned about the North Carolina fishery harvesting  
11 juvenile fish but not recognizing that a recreational  
12 fishery even existed somehow, to the cosigners to the  
13 letter.

14 And so, I mean, certainly one way to address  
15 this 8-percent problem would be to harvest only adult  
16 Bluefin Tuna. So put in an 84-inch minimum size  
17 limit, one fish per vessel per day. And that would  
18 resolve your 8 percent problem. And we would  
19 certainly support that in North Carolina. If that's  
20 the only place it happens, or the south Atlantic is  
21 the only place that happens, so be it.

22 But don't -- you know, let's respond when  
23 the responding is reasonable to the criticisms of the  
24 South Atlantic fishery with good data, which your  
25 (inaudible) study that had, you know, that showed that

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1 recreational fishery is catching the juvenile fish.  
2 That's where the juvenile fish problem is, all right?

3 And if we want to really be serious about  
4 juvenile fish, let's just harvest the adults.

5 MODERATOR CHRISTOPHER ROGERS: Thank you,  
6 Louis. Bob Pride?

7 MR. PRIDE: Thank you, Chris. I mainly want  
8 to focus on the 8 percent balancing issue over the  
9 four-year period. It seems like, based on the results  
10 for the last two years, that we could potentially use  
11 up the remaining quota very easily in 2005. And, you  
12 know, I'm a little reluctant to go in to a management  
13 scheme that would allow us to leave the 117 tones per  
14 year in place. But I don't quite understand the  
15 implications in terms of catch of one fish per boat,  
16 Rick.

17 Can you address that and do you have any  
18 idea what that might result in based on any modeling  
19 that you may have done?

20 MR. SAVAGE: I haven't actually conducted  
21 any modeling, Bob, but in one of the previous slides,  
22 that -- you know, in theory that if you constrain the  
23 catch you should be able to constrain those fish that  
24 are landed. But when you look at the numbers and the  
25 retention limits for '03 and '04 and how the landings

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1 correlate into those school-size category fish, that  
2 there wasn't a direct correlation.

3 And so, you know, the theory would be the --  
4 you would be constraining the catch to one fish per  
5 vessel, thus lowering effort. But you don't have a  
6 conclusion as far as what that will end up in  
7 landings. And so, there's still some risk associated  
8 with even that.

9 MR. PRIDE: Well, you know, based on that, I  
10 mean, our -- with the exception of the trunking  
11 fishery that's off Chincoteague, you know, our fishery  
12 off Virginia Beach is pretty much the school fish. We  
13 occasionally get a larger fish but most of them are  
14 the smaller fish.

15 And the grounds that we fish on is -- it's  
16 usually in late June, in July. It's a 20-25 miles of  
17 Virginia Beach. It's usually not mixed fishery, it's  
18 usually exclusively Bluefin and one fish per boat  
19 makes that tough. But on the other hand, I don't want  
20 to put us in a position of, you know, risk in going  
21 over our 8 percent allocation and having more worries  
22 at ICCAT. So I guess what I would have to support is  
23 the one fish per boat assuming that we don't get any  
24 adjustment in the data due to these other ongoing --  
25 Thanks.

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1 MODERATOR CHRISTOPHER ROGERS: Joe McBride?

2 MR. McBRIDE: Yes, thank you, Chris. I  
3 don't know if it's appropriate but I'm going to throw  
4 it in here, tell me I'm wrong. I'm looking at the  
5 landing number of fish and estimated weights for New  
6 York. 2002, approximately 700 fish, 2003, almost 3000  
7 fish, 2004, 736 fish give or take. Where is this  
8 spike coming?

9 This was the year 2003, after we were under  
10 in 2001-2002. Then you did the math again and came up  
11 with overages and put as over instead of being under  
12 and carrying over -- carrying the underages over to  
13 the following year.

14 I mean, who -- unless -- I'm not a  
15 statistician, so I mean, I'm -- but I'm furious with -  
16 - these are the figure we're basing on our fishing  
17 which is so important to our area. And that's -- I'm  
18 going go into other aspects of what our -- if nothing  
19 else, gentlemen agreements were with the Agency over  
20 the years regarding the zoning the north-south zone  
21 and request for a set-aside for our geographical area.

22 Look at these fish landings I mean, it's  
23 skewed so deliberately toward one area and that's  
24 south of the Jersey border, south Jersey and Maryland  
25 and Delaware, to deny the other area, geographic areas

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1 relatively any other fish they're entitled to.

2 And that wasn't the idea of the plan; the  
3 plan was to be fair. And being fair means you have to  
4 make your allocations in a manner that gives everybody  
5 a shot at the fish. As someone mentioned earlier, I  
6 think it was Rick, stating that if we plan in late  
7 September and we've asked year after year either a  
8 set-aside for the Block Island Sound area, you know,  
9 south of Block Island Sound, so we can plan on having  
10 fish -- and we asked the figures from three to five or  
11 six, whatever you could afford.

12 But I just don't understand this  
13 statistically. How you can go to a spike like that in  
14 one year and drop back to the normal spike, around  
15 700, the second year. Now, going back to the some of  
16 the requests about the North Carolina procedure of  
17 tagging fish. The main port for any Tuna, including  
18 Bluefin Tuna in the metropolitan New York area is,  
19 Montauk, New York. Now, it's not the absolute only  
20 port but it is the main port.

21 If you look at your figures from Shinacock  
22 (phonetic) back west, you're really dealing almost  
23 with a Jersey fishery, the north Jersey fishery. They  
24 fish the same grounds, wherever they may be. But in  
25 the Montauk area we told you we would adhere to a tag

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1 program similar to Carolina's. We've said it for  
2 years and we would assist you to get a handle on  
3 what's going on. You've have never taken it.

4 We told you we'd pay for it. We told you we  
5 would have wait stations in the marinas. We told you  
6 we'd let them be mandated coming to the -- whatever we  
7 could do to get an accurate count. And every year we  
8 get pushed aside and every year you're hurting our  
9 industry. We have 1000 boats in the harbor of  
10 Montauk, over 100 licensed charter and party boats in  
11 the harbor of Montauk that you affect every year with  
12 that reduction down to one. I can go into the  
13 absurdities of years past where you gave us one fish  
14 during hurricanes only a week. And all the -- and we  
15 went over that and we started to deal with each other  
16 like gentlemen.

17 And you went up -- okay, you know, I'm not  
18 going to say we have to have one fish a man much as  
19 I'd like to have that. The edge was three last year  
20 when the charter boats could fish. Look at the dates  
21 somewhere here when it stopped, exactly when we began  
22 fishing in our geographic area, September 20th  
23 somewhere, September 21st, I just -- whatever the date  
24 was, I just ran across it. I mean, as though it's a  
25 slap in a face.

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1           Now, what justification could you have for  
2 these landings in the southern zone to be so much more  
3 excessive than those in the northern zone? You know,  
4 in fairness. And we're talking about fish management  
5 here with a very limited resource and, you know,  
6 everybody wanted to get their hands on the money and  
7 to the fish in the general category. And us looking  
8 to make a living and that's not only people in the  
9 north, there are people in the south that deal with  
10 the angling category wanting to get a fair share but  
11 they shouldn't get an abnormal share nor should we get  
12 an abnormal share.

13           It should be divided in a manner that's  
14 doable and fair to all the user groups or user areas  
15 in this case. And I just think it's wrong and it's a  
16 disgrace that a federal agency would allow this type  
17 of thing to happen, because if you look here in the  
18 states of -- and by the way why, isn't North Carolina  
19 on this? Were they exempt from --

20           MODERATOR CHRISTOPHER ROGERS: The data here  
21 is just the Large Pelagic Survey data. And the Large  
22 Pelagic Survey isn't actually conducted in the State  
23 of North Carolina.

24           MR. McBRIDE: Oh, okay, all right. Did they  
25 really --

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1 (Laughter.)

2 MR. McBRIDE: I mean, I -- the only way I  
3 want to know that is what way could we get ourselves  
4 exempt from it too, if we could possibly take our  
5 landings. And we'll send you our reports. And the  
6 other thing in fairness again, you know, this is -- I  
7 mean, let's do away with the recreational category.  
8 We'll have the -- all the fish above 83. I think it's  
9 a very noble thing to do on behalf of the fish  
10 provided you're going to tell me you're not going to  
11 sell the fish above 83 pounds or 73 inches rather,  
12 whatever the case maybe.

13 I don't know, I mean, I -- obviously I'm  
14 aggravated at this because we come down here year  
15 after year, we walk out saying we're going to have a  
16 fishery. I tell the people in our organizations,  
17 we're going to have a fishery, and we end up having  
18 games played with us. And the statistics prove it  
19 right here.

20 MODERATOR CHRISTOPHER ROGERS: Well, it's  
21 certainly a tough problem with respect to allocation  
22 because the fish do move consistently in -- within  
23 season and between years. And even though we may  
24 allocate to a certain region, if the fish are not  
25 present during that particular season, they don't get

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1 caught.

2 MR. McBRIDE: Which, the fish -- at which --  
3 Jesus, I'm getting -- getting bent out of shape,  
4 excuse me. The fish were there. It was that with one  
5 fish a boat in our area, you can't get the people to  
6 go out. You'd have to change your Tuna trip to an  
7 inshore bass best trip if you're lucky enough to get  
8 people decent enough to, you know, change the mode of  
9 fishing for the day and keep the businesses going.  
10 And it's not necessary -- the fish were there after  
11 September 20th.

12 And they're smaller fish. They -- you know,  
13 we're not catching big a fish and that can be a  
14 scenario why there are fish bigger in North Carolina  
15 than we're getting up in our area where one time we  
16 caught big fish, we don't deal with that. But give us  
17 our fishery and give us a reasonable chance that we  
18 can maintain our businesses just like these other  
19 areas want to maintain their businesses whether it's  
20 commercial or charter and party boat or recreational  
21 though marinas at all.

22 MODERATOR CHRISTOPHER ROGERS: Okay, thanks  
23 Joe. Bill Adley (phonetic) and Bob Fitzpatrick.

24 MR. ADLEY: I'm just interested in that  
25 these LPS numbers reflect everything that we have been

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1 saying about the lack of fish north of Massachusetts.

2 And also it reflects the fact that we have really no  
3 recreational fishery up there left anymore. It's not  
4 worth going out in a small boat to try and catch a  
5 school of fish because they aren't there.

6 MODERATOR CHRISTOPHER ROGERS: Thanks. Rick  
7 Weber and then Bob Fitzpatrick.

8 MR. WEBER: Only a very quick data  
9 collection issue. You had us fairly well agreeing to  
10 a late concept of some form of log yesterday. And we  
11 keep discussing data collection issues. We should  
12 probably go back and explore that even further, help  
13 design something, help consult on something because  
14 it's going to help you all the way across the board  
15 with all the HMS.

16 MODERATOR CHRISTOPHER ROGERS: We did have  
17 some copies of the fish ticket that Jim had shared  
18 with us yesterday. I don't know where they're at.  
19 But we'll make sure that they get -- should be there  
20 tomorrow morning for folks who might want to explore  
21 the fish ticket concept. Bob Fitzpatrick?

22 MR. FITZPATRICK: Could you put back --  
23 Brad, could you put 2005 options back up on the --  
24 there we go. I think the prohibit landing of school  
25 Bluefin in 2005 is a real tough nut for the Virginia

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1 people, the charter boats and everybody else to  
2 handle. And I think it's unnecessary. Overall, my  
3 guess is that keeping it at on a day, depending on  
4 where we end up on some other issues, may be the tough  
5 bullet that you have to bite going into this here,  
6 considering that what's happened the last three years.

7 But there's another one that's not on here  
8 and I know we're not going to discuss it now. So we  
9 won't get into it but you can fix it. We've got a  
10 length/weight key that's clearly off by 27 some odd  
11 percent and we have the 17 percent issue over  
12 measuring technique and the contract et cetera, et  
13 cetera.

14 We can solve the whole problem just by  
15 making some reasonable decisions with those two  
16 issues. And hopefully, I guess we're going to do it  
17 tomorrow. We'll enlighten the rest of the panel as to  
18 exactly what that's all about. But you really don't  
19 have a problem, that's the truth. And we just need to  
20 add bullet number, whatever it is, 5 and adopt it and  
21 it will be fixed. Thanks.

22 One other thing, the Massachusetts numbers,  
23 920 juveniles? I don't believe it. I was present at  
24 one of the clusters of -- I would like to see the  
25 cluster breakdown. We certainly had juveniles present

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1 in the fishery; however, on Cape Cod, I questioned  
2 that number. Now, perhaps -- what's that -- perhaps  
3 Gloucester had massive juvenile landings that I'm not  
4 aware of. 24 in Maine? Maybe. Probably more got  
5 bootlegged into restaurants but 900 in Massachusetts,  
6 not landed on Cape Cod.

7 MODERATOR CHRISTOPHER ROGERS: Dick Stone?

8 MR. STONE: Okay. Most of you all are not  
9 old enough to remember what really happened or why we  
10 got ourselves into this situation but I'm going to  
11 reflect back on it just a little bit. And by doing so  
12 I have to also reflect back on the call for balance  
13 among the fisheries. I think balances ought to be in  
14 the international arena as well. And look at the  
15 percent, the 8 percent, who else is taking 8 percent?

16 Nobody. 15 percent is sort of the standard, why are  
17 we at 8 percent?

18 Well, we're at 8 percent because we had a  
19 year when the Canadians got upset at us and the  
20 Japanese happened to along with us and forced us into  
21 a situation where we didn't have all the data we  
22 needed to have with us because if we had, that 8  
23 percent would have been more than 8 percent, that's  
24 for sure.

25 But there are several things that -- and I

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1 think we ought to address -- at some point time, we  
2 need to address that 8 percent. I mean, it's  
3 ridiculous for us to be doing 8 percent and none of  
4 the other countries to be doing anything near that.  
5 And there isn't a juvenile problem from a stock  
6 standpoint in the western Atlantic. There absolutely  
7 is not a juvenile fish problem. So it's all just  
8 smoke and mirrors trying to -- you know, in a  
9 political arena is basically what it boils down to.

10 But there also are some things that could  
11 help us even in the eight percent and Bob just  
12 mentioned one of them. And also the database, I mean  
13 again I have to get back on this soapbox. I mean,  
14 Brad and I have been looking at Yellowfin and albacore  
15 more in recent years, but in the past I have looked at  
16 Bluefin databases very carefully. And I know, you  
17 know, just as you pointed out, years ago we had a big  
18 spike in Massachusetts landings as well. And it's --  
19 it was an anomaly is what it was. And it probably was  
20 an anomaly with the 900 fish as well. And as I said  
21 I've been looking more at Yellowfin and albacore here  
22 recently.

23 I do think that we ought to go with the  
24 census, you know, the tag program like we have in  
25 North Carolina and Maryland. And I think -- the other

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1 day they were looking at or just -- again it's smoke  
2 and mirrors. I mean, I think it's about time that we,  
3 you know, we stepped back to take a good hard look at  
4 what we really should do and not penalize our  
5 fishermen because -- with something that really isn't  
6 a stock problem. So anyway, I guess I'll stop at  
7 that.

8 MODERATOR CHRISTOPHER ROGERS: Jim Donofrio?

9 MR. DONOFRIO: Chris, thanks. I agree with  
10 Dick that the 8 percent's got to change to 15 and we,  
11 you know, we're asking our friends also on the other  
12 side here, the commercial sector, to work with us on  
13 that as we deal with them on their issues at ICCAT.  
14 This is important, that we get that changed. But let  
15 me try to put this whole thing into perspective on a  
16 domestic level here, on how it relates to, how we look  
17 at the rest of the world and how we treat the rest of  
18 world but how we treat us.

19 Here we have the director of NOAA Fisheries,  
20 Bill Hogarth, actually coming out now in Miami at the  
21 boat show. He's done it before behind the scenes in  
22 different places but publicly announcing the strategic  
23 plan for recreational fisheries and admitting in  
24 public that the data collection system in the United  
25 States recreational fisheries is broken. Okay, so, we

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1 know that now, it's a given, he went public with that  
2 in front of all the press.

3 So what are we reporting on to ICCAT? We're  
4 reporting a broken data collection system. And what  
5 are we asking for? We're asking for a minimal fishery  
6 on Bluefin, which is so important to fishing  
7 communities on the coast. A minimal fishery where I  
8 think the fishery service has the flexibility to say,  
9 "Okay, we're going to give you a season, we're going  
10 to give you a size limit, we're going to give a bag  
11 limit, we're going to let you go fishing because we  
12 know what this fishery means to you," okay? "We're  
13 going to fix this system but we're not going to punish  
14 you because then we have to look at what happened in  
15 Mercia (phonetic), our perspective on the other guys.

16 Bill's sitting there and we've got John  
17 Spencer begging him to go up to 32,000 metric tons  
18 from the recommended 28,000 metric tons that the SCRS  
19 is telling him. And Bill is, you know, he did debate  
20 back and forth with Rich and other people in the  
21 delegation; he's torn. But Bill in good faith  
22 figures, "Okay, let me get this guy to 32,000." Okay?

23 Gives him the flexibility, the Agency gives the  
24 flexibility to John Spencer, okay?

25 And, you know, we're hopeful that they're

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1 going to comply because he made some promises on small  
2 fish and he was going to reduce all his other catches.

3 They have done nothing. They have done nothing; they  
4 don't even comply. Now they're up to about 60,000  
5 metric tons. We're only asking for a fishery here.

6 And I think the Agency can create a fishery  
7 for us, fix the system, we'll correct the numbers down  
8 the line, but do not, please do not punish this  
9 fishery here, which is so historical. Thank you.

10 MODERATOR CHRISTOPHER ROGERS: Thanks Jim.  
11 Jack -- Shana?

12 MS. MILLER: Just really quickly as far the  
13 8 percent goes. Because the U.S. quota is of course  
14 based on weight, the more smaller fish that are taken,  
15 obviously the more fish are taken because it takes,  
16 you know, and I could do the math, but however many  
17 80-pound fish to equal however many 160-pound fish,  
18 say. So I think with this allocation, it really needs  
19 to be looked at to make sure that it's done in a  
20 conservation-neutral manner.

21 And as far as the bag limit goes, these  
22 Bluefin that are being landed are, you know, they're  
23 not of insignificant size and they feed a lot of  
24 people. So I don't understand the push for the bigger  
25 bag limits. You know, certainly beyond two fish --

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1 and I know in my area there's a big issue with  
2 recreational fishery -- fishermen, you know, knocking  
3 on the back doors of restaurants and selling their  
4 fish. I mean, I know plenty of my own friends that --  
5 I don't why I'm still friends with them but they do  
6 that.

7 So you know, I think that needs to be  
8 considered when changing bag limits.

9 MODERATOR CHRISTOPHER ROGERS: Jack Devnew  
10 and then Glenn.

11 MR. DEVNEW: Yes, just very briefly. The  
12 Bluefin Tuna industry has been making sacrifices  
13 endlessly for an enormously long period of time. And,  
14 you know, and conserving here for overages, excesses  
15 on the other side of the Atlantic are readily  
16 demonstrable and, you know, compliance problems,  
17 everything else over there. The industry here has  
18 made these sacrifices and has done a very admirable  
19 job in staying with in its quotas et cetera.

20 The IAC, you know, the Bluefin Working Group  
21 and everything, did make some points and without  
22 belaboring it or going into any detail, if we are  
23 contemplating, I guess acknowledging some type of an  
24 overage here and we have significant problems in  
25 measuring fish and length and weight ratios, then we

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1 need to address that first to see if we really  
2 actually have a problem or not. I guess, I'll leave  
3 it at that.

4 But, you know, for us to go ahead and  
5 acknowledge a problem that really isn't a problem, I  
6 think would be a gross disservice to the sacrifices  
7 made by this industry.

8 MODERATOR CHRISTOPHER ROGERS: Thank you,  
9 Jack. Glenn Delaney.

10 MR. DELANEY: Yes, a couple of points.  
11 Certainly, dealing with and negotiating with you on  
12 the Atlantic Bluefin Tuna is -- certainly has a  
13 special place in my heart and a sore place in my  
14 brain. And it's been a frustrating process, and you  
15 know, I don't want to belabor or pile on here, but  
16 only the United States could find itself in this  
17 situation. And I'm not saying one right -- two wrongs  
18 make a right.

19 But my God, you know, we should not be in a  
20 position to be penalizing our fishery for virtual fish  
21 that have been a function of some internal measurement  
22 or statistical analysis, problems that -- you know,  
23 it's confounding to imagine this happening in other  
24 nations that participated in ICCAT bringing this forth  
25 and then having a negative consequence for their

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1 fishery. To the point, you know, I just -- I want to  
2 agree with Robert, I keep pretty close tabs in  
3 Massachusetts on fisheries, I'm up there all the time,  
4 particularly in the north shore and Gloucester. You  
5 know, I've heard that, you know, there is a lot of  
6 juvenile fish off of Cape Ann and up in Ipswich Bay,  
7 they are all summer and all, but to suggest that 900  
8 or some of those fish got landed, I don't know where  
9 that happened, it's another one of those mystery  
10 situations in Massachusetts, you didn't see it in the  
11 Cape, it didn't happen up there, but anyway I don't  
12 want to belabor it. Stay away from that one.  
13 Actually I just lost track on my thought, so what do  
14 you think that it's --

15 (Laughter)

16 MODERATOR CHRISTOPHER ROGERS: I think Rich  
17 and Rom both wanted to talk, but John is here and  
18 would like to say some things for this group, could  
19 they -- came out of the IAC, and I'm wondering if it's  
20 okay with you folks. If we don't get to it tonight,  
21 we will start with you all this tomorrow morning, but  
22 as long as John is here, he can't be here tomorrow, it  
23 might be good if we hear from him.

24 MR. GRAVES: All right. Well, there is a  
25 couple of issues. What I first like to do is just to

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1 read from the Bluefin Tuna species working group  
2 report, and then I'll go back to the dynamics of the  
3 meeting and let Jack maybe take it from there. But  
4 this is from one of the recommendations of the species  
5 working group. The working group also strongly  
6 recommends NMFS convene an independent peer review  
7 utilizing scientists not connected to the LPS to  
8 investigate recently discovered potential sources of  
9 overestimation of angling catches in recent years.

10 These sources of overestimation include the  
11 assumption that survey intercept employees collect  
12 accurate straight line measurements requiring  
13 conversion to curved fourth link and adding 17 percent  
14 to the estimate of the total weight of the angling  
15 catch category. The investigation should include  
16 consideration of a census or adequate sample of the  
17 900 plus anglers intercepted in the 2002 and 2003  
18 fishery. To determine the type of measure conducted,  
19 whether a measure was conducted at all, and to collect  
20 any supportive evidence. This information can be used  
21 to develop an accurate ratio of straight or curved  
22 measures actually conducted in those -- in these two  
23 years and to allow any appropriate total catch  
24 estimation revisions.

25 The working group recommends review of the

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1 NMFS length-weight conversion key used to estimate the  
2 total weight of angler catches. This review should  
3 include alternative length-weight data available from  
4 the State of North Carolina, other states and other  
5 sources included in the historical, general category  
6 landings database. Appropriate revisions of the NMFS  
7 length-weight key can then be applied to the 2002-2004  
8 surveys, and until the survey is replaced by the  
9 recommended census based -- and until the survey is  
10 replaced by the recommended census based tag-reporting  
11 system.

12 Finally the working group recommends that  
13 this independent peer review be submitted to the SCRS  
14 for consideration and adoption prior to any revisions  
15 to the U.S. historical catch estimates for angling  
16 catches. The history behind this is that we did have  
17 Dave Van Voorhees present the methodology to the  
18 advisory committee at our spring meeting last year,  
19 and we were told that the report would be following in  
20 a few weeks. We were told that our first fall meeting  
21 in the second report that it would be soon forthcoming  
22 and in our second fall meeting, the report still  
23 wasn't there.

24 During the discussions with Dave Van  
25 Voorhees, it was -- it became evident that some of the

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1 measurements from the contractor who was actually  
2 making the measurements were not -- they were not  
3 taking straight length measurements, which on a large  
4 Tuna is impossible to do by a single individual. And  
5 separately what you would do for such a straight  
6 length measurement on a large fish is to have two-  
7 meter stick calipers that you would use and you would  
8 use two individuals. And I know from my personal  
9 experience, which is very limited, but at one  
10 tournament over a period of several years that the --  
11 they have taken curve-length measurements and they've  
12 used my tape to do it. So I've watched them make  
13 measurements, and so what you have is a situation  
14 where they're making a curve-length measurement, which  
15 is a longer measurement.

16 And then they're actually assuming it's the  
17 straight length measurement and then applying a  
18 correction factor, which increases the apparent catch  
19 as it go from straight length to curve length. So  
20 they're getting dinged and so this correction has  
21 inflated the estimate of the angling catch. And,  
22 well, mine was one anecdote, there were anecdotes from  
23 several other individuals indicating that, that maybe  
24 this was not a rare event, but maybe even a common  
25 practice. And so we had asked Van Voorhees and his ad

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1    hoc committee to review that and respond but  
2    essentially our pleas were ignored and the report was  
3    just put out without even any mention of this.

4               So two weeks ago, at the advisory committee  
5    meeting rather than going through a complete NMFS  
6    bashing of how they don't listen to an advisory  
7    committee, the people that are spending their time  
8    just like all of us are here, I asked the agency to  
9    consider what had been said and to present a plan or  
10   to come up with a plan, which would address the  
11   concerns of the committee. Now, I know -- and I'll  
12   let Jack respond to what's happening, but I will be  
13   presenting this report to Bill Hogarth in person next  
14   Wednesday. So again -- but what we would like to see  
15   is something in the -- to see in the short term that  
16   is actually going to be addressed. So I'll let Jack  
17   respond to that.

18              MR. DEVNEW: Thank you, John. We became  
19   aware of this as an issue; it was first really brought  
20   to our attention last winter, and we've been looking  
21   at it since then. And what we determined is that it  
22   affects a whole lot of things. So it's not just a  
23   simple thing to do. But the issue came back to us as  
24   a result of the work of the ICCAT Advisory Committee  
25   although John hasn't had a chance to sit down and

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1 formally present the results of the IAC to Bill. I  
2 can tell you that we have that and it's being looked  
3 at. I'm going to warn you right now I'm going to cop  
4 out a little bit.

5 But we are moving right now, in fact I was  
6 reading e-mails this morning about it. We're moving  
7 right now to do what the ICCAT Advisory Committee  
8 asked us to do. We're putting together a plan to look  
9 at this and see what we ought to do, you know, what's  
10 really important here is that we come up with the  
11 right number. And so that's what we're going to go  
12 ahead and move to do, I can't -- I mean, I don't  
13 understand, I'm a lawyer for god's sake.

14 But I don't understand all of the details of  
15 what it is the scientists are doing, but Steve  
16 Morowski (phonetic) is personally involved in making  
17 this happen, and the plan is being developed, and I'm  
18 really -- can't say much more than just that, that  
19 we've heard the IAC, we've heard the industry, we've  
20 heard the community, we are working on it, we are  
21 responding, we're going to develop the plan in  
22 response to the recommendation.

23 And when we do, we're going to come back and  
24 let you know what it is, I mean, we're not going to,  
25 you know, take another year and then, you know, all of

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1 a sudden you'll hear from us. Well, it was never  
2 really a problem anyway, you guys do know what you're  
3 talking about, obviously you know what we're talking  
4 about. We have to figure out what it all means. And  
5 so what I can tell you is we're moving right now  
6 actively to do that. John?

7 MR. GRAVES: And I can assume when you get  
8 your plan together, not actually execute it, but when  
9 you get the plan together you will inform both the  
10 advisory committee and the advisory panel.

11 MR. DEVNEW: That's my assumption, but again  
12 it's not in my ballpark. So it's hard for me to make  
13 that commitment, but that's my assumption. Jimmy and  
14 then Bob?

15 SPEAKER: Jack, thank you for that. Can I  
16 assume that your goal is to get this together before  
17 the start of say the June 15th, June 20th season which  
18 normally is our kick off for, you know, the East Coast  
19 fishery?

20 MR. DEVNEW: I don't know the answer to that  
21 Jim. I don't know.

22 SPEAKER: Well, yeah, I'm Robert.

23 SPEAKER: I appreciate the change from the  
24 letter that was sent out to what I just heard.  
25 However, and I think that the 17 percent issue, you

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1 know, certainly can be bandied about and it's probably  
2 not 0 and it's not 17 in all likelihood. And I  
3 personally participated in measuring with port  
4 samplers on at least three occasions, and with me they  
5 used my tape and it was a curved measure. However,  
6 the -- and that one is more complicated, however, the  
7 length-weight key itself isn't a close call. The base  
8 runner is at second, it's a force-out at third and the  
9 ball is in the third baseman's hand and his foot is  
10 on the bag. It's not even close.

11 And in the letter that was sent out there  
12 was a suggestion that new monthly data and some fine-  
13 tuning could correct this. We're talking about 25  
14 percent. And it appears to get more dramatic as the  
15 fish get smaller. So when we're facing -- telling  
16 charter boats and -- that want to go fishing soon that  
17 they can't go. Can't we get some -- I mean, we've got  
18 several hundred data points, I think at this point  
19 that point out that the length-weight key is a mile  
20 off. With those sort of numbers, that eight percent  
21 issue disappears, I think, multifold. And it seems  
22 like it would be good to get some sort of decision  
23 made prior to peoples' businesses being impacted as  
24 most of ours have been in the last few years of this  
25 nightmare.

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1 MR. DEVNEW: We hear you. And that I'm not  
2 going to say anything more than that. I will say  
3 that the question of the key is a part of what's being  
4 worked on in addition to the question of the  
5 measurements; that's a part of it too.

6 MODERATOR CHRISTOPHER ROGERS: We had --  
7 from the last time around we had Rich and Rom sort of  
8 waiting. And we are going to -- we can come back to  
9 this in the morning. But we're going to have to run  
10 out of time here in a minute.

11 SPEAKER: Thank you, Jack. I wanted to  
12 thank John for an excellent job at providing the  
13 species working group recommendation and I hope, and I  
14 know NMFS has gotten the message that this needs to be  
15 addressed. Thank you, Jack. I'm happy that you're  
16 able to report to us that we're going to be moving in  
17 the right direction. I guess the only concern is the  
18 timing issue, of course, I mean, and Robert and  
19 everybody in the angling category would love to see an  
20 overnight remedy and fix because we deal so strongly  
21 that the errors are real.

22 But in this real world we also know it's not  
23 going to happen because once the errors are corrected  
24 or -- and we reach agreement on exactly the extent to  
25 that, those numbers are going to have to go to SCRS,

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1 we know that, before any revisions to the 2003-2004  
2 database can be made.

3 Chris, I remembering discussing the process  
4 of the pre-draft that at one point you were talking  
5 about a second highly HMSAP meeting, sometime in the  
6 summer, I believe, to review the comments and I'm  
7 wondering if that couldn't be the target of when we  
8 get a presentation on where we're going from there  
9 unless it can be done by mail sooner than that. That  
10 would be my hope and I hope we can move forward.

11 MODERATOR CHRISTOPHER ROGERS: Rom and then  
12 Glenn?

13 MR. WHITAKER: Okay. I sympathize with Jo,  
14 I think we have the fish and we have the quota. We  
15 just due to whatever reason we're not getting the  
16 count right so he is being penalized for it. We  
17 fought the same battle in the Carolinas in the '90s  
18 and that's why we had to go to what we have today. To  
19 give a little insight on what Robert brought up and  
20 what John Graves brought up, I personally, well, I've  
21 got letters from 30 chartered captains, professional  
22 captains and had or said to have notarized letters  
23 stating that in over hundreds of Bluefin Tunas we have  
24 yet to see one measured straight line. It just didn't  
25 happen. It's all curve length and I'll be glad to

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1 give those to whoever can use them. But the very main  
2 thing I want to say is I hope we're not sitting here  
3 discussing this problem next year. I hope we fix it.

4 MR. NELSON: Just two quick points, I want  
5 to just recognize obviously the severity of the  
6 problem and the concern and it's been well elaborated,  
7 but I also would say that when I hear Jack Donegan  
8 make a commitment like that and have people like John  
9 Graves involved and Steve Morowski who we worked with  
10 for years up in New England, he is tremendous. I mean  
11 if he is going to be involved with this, I think it's  
12 a great sense of assurance that things are going to be  
13 looked at properly and you're going to get the right  
14 result at the end of the day. So we appreciate that  
15 very much.

16 Also, when I got distracted on the  
17 Massachusetts politics, the issue I meant to bring up  
18 before was, of course Ron did -- was the eight percent  
19 issue, never travel without it. You know, we -- Jimmy  
20 and others, we have, I think, made clear year after  
21 year that our industry is certainly supportive of  
22 trying to come up with a solution. We've recommended  
23 at the ICCAT Advisory Committee for years that this be  
24 addressed and maybe I misunderstood but I thought you,  
25 kind of took that off the table at the ICCAT Advisory

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1 Committee, and wasn't something you wanted to pursue  
2 with that and maybe we just misunderstood each other,  
3 but just -- to 15 percent --

4 SPEAKER: 15 percent.

5 SPEAKER: Well, you know --

6 SPEAKER: Right.

7 MR. NELSON: If we can find a way to make  
8 that work, you know, that's not something we're  
9 opposed to and we can support, you know, 15 percent of  
10 the U.S. quota is a -- you know, if we can find a way  
11 to make that work internally within the U.S. ICCAT  
12 community, certainly have our assets to help push that  
13 through if that can be done. So I just wanted to make  
14 sure that was clear.

15 MODERATOR CHRISTOPHER ROGERS: Yeah, I see  
16 three hands. Pete, Jo and Jim, and then we'll call it  
17 a night. Let everybody get some dinner and rest up  
18 for tomorrow.

19 SPEAKER: Brief.

20 MODERATOR CHRISTOPHER ROGERS: Brief  
21 comments. All right.

22 MR. MANUAL: Basically what I'd like to say  
23 is it, you know, this all came about on the chart  
24 (inaudible) put a lot of hours and time in it.  
25 Probably a whole lot more hours and time in it than

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1 I've got faith in these LPS numbers, and is a  
2 chartered boat captain in Moorhead City who was  
3 regulated out of the recreational fishery in the '90s  
4 on a regular basis, and then we would say, oops, we  
5 found out we didn't count right. So the season --  
6 fish are going from our neighborhoods so we need  
7 catching up. I feel for Bob, I feel for his business  
8 up there.

9 And after hearing what I heard tonight,  
10 maybe we all ought sleep with one fish a day and maybe  
11 look at Brad's numbers of a 117 metric tons that we  
12 got to gamble with and gamble this year. But to do  
13 that the agency's got to get the contract with  
14 QuanTech this year to get the data to them at least  
15 monthly if not bi-monthly during that fishery. And  
16 then the agency can decide if we're in trouble we can  
17 cut it back. But I think that's something that -- I  
18 mean, being regulated out of a fishery, I know what it  
19 means economically to you -- charters won't come, he's  
20 got boat payments, got house payments, children,  
21 grandchildren whatever. And I think it's important  
22 that we look at it that way. Thank you.

23 SPEAKER: Jerry, Scott is a chief scientist.  
24 Normally he has a call for papers, I believe,  
25 abstracts do sometime in May, papers by July to get

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1 ready for the SCRS meeting.

2 SPEAKER: So it wouldn't be until the SCRS  
3 meeting?

4 SPEAKER: John.

5 SPEAKER: Any corrections that we want to  
6 make to our historical landings require a paper  
7 submitted to the SCRS. And I think actually the  
8 abstract might be July and the paper in August; I mean  
9 they're right before the SCRS. So there is time to do  
10 it.

11 MODERATOR CHRISTOPHER ROGERS: Joe McBride?

12 MR. MCBRIDE: Yes, thank you, Chris. First  
13 of all I'd like to thank Rich, Glenn, John and the  
14 other people; the information you come up with  
15 tonight, I know you've been talking to Jimmy Donofrio  
16 through the RFA, and very important and thank you  
17 again on behalf of the membership of the MBCA, there's  
18 nobody else in the Long Island area. And again the --  
19 you have to understand the fisheries. And without  
20 going into great length, and Shana and I am sort of  
21 going to tell you, you know, to vitolet(phonetic) to  
22 what you said first. There are some areas where one  
23 fish a day such as we do with our shark fish, has more  
24 than enough for the clientele, and we maintain our  
25 business.

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1           For example, it's the business of a  
2 conversation group to be conservationists. It's a  
3 business of charter boat captains and head boat  
4 captains to be fishermen. If there were no issues to  
5 be involved with if you took aside other than what  
6 you're saying, you know, as a conservationist, you  
7 probably wouldn't have your job as a conservationist.

8           If I would've told people in my business I'm going to  
9 take them out but there are no fish around, without at  
10 least warning him upfront, then we'll be out of  
11 business in very short order.

12           I'm making probably not a fair comparison.  
13 But I'm trying to give you an idea; 80 pound fish that  
14 they might catch, I don't know if they do or not, down  
15 in the Carolinas might suffice with one fish a day if  
16 we have a lot of action and so forth and so on, if the  
17 cost relative to where you have to go fishing. In our  
18 case we have to go far and we're catching 30-pound  
19 fish. That's not enough choice to maintain our  
20 clientele, that's number 1. Number 2, if we don't  
21 have a scheduled time to fish we can't book people.  
22 People don't walk in our docks and get on our boats  
23 the day of a fishery; we're booked months and months  
24 ahead. So in order to know -- and I've said this for  
25 many years, in order to know -- for my people to know

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1 and our captains to know when to book, we need a  
2 scheduled time for fisheries. And the same applies  
3 for Rhode Island that Frankie is representing to a  
4 great extent.

5 We need to have a scheduled time. Whether  
6 we fish there or not we have to book those fish  
7 whether the fish show up or not, whether they're big  
8 fish or little fish or in between fish. And more  
9 important that after we leave this meeting for the  
10 last five years or so, Jimmy has been kind enough to  
11 arrange a coastwide meeting with the National Marine  
12 Fisheries Service to distribute and with Rom(phonteic)  
13 and what have you, to see that all of the states up  
14 and down the coast get their fair share of the angling  
15 category, so everybody could maintain their business.

16 There were years in the past where we did  
17 our best to help North Carolina when they were just  
18 getting into that newfound fisheries, so to speak, and  
19 we worked as best we could, and we make a gentlemen's  
20 agreement, there's nobody writing anything down, and  
21 we think we have a fishery. And if we don't have a  
22 fishery under those circumstances, we should be  
23 notified as soon as possible so that we can make  
24 revisions and people don't lose money and their  
25 incomes. And, Pete, thank you, I'm serious, that was

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1 very nice of you to say, but now my house is paid, I'm  
2 retired. I want to thank all you taxpayers that have  
3 been paying for years for me. But neither here nor  
4 there.

5 My grandchildren take good care of me like  
6 my kids did, you know, they're going to put oil on my  
7 wheel chair and roll me down the hill or something.  
8 But to make a long story short, it's just a matter of  
9 fairness. I mean I know you have limited resource, I  
10 know you have schedules and regulations to follow. And  
11 again I want to thank everybody here, I think we all  
12 do work together as a team, we're not perfect, we  
13 don't always have -- know what's down the line  
14 somewhere, but I think we should take cognizance of  
15 what's needed in our fisheries.

16 We work as a group, we all give up our time  
17 to come here and have a good United States fishery.  
18 But I do concur with the criticisms: Dick Stone was  
19 being very kind in his historical analysis of that  
20 eight percent story. It's a little nastier than what  
21 he said; he is too much of a gentleman. And I've  
22 mentioned in the past so I won't beat it to death  
23 anymore. Anyhow, thank you all for the assistance.  
24 Hopefully that -- the distribution will be a little  
25 more considerate of the areas that needed -- under the

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1 time span that they do need it under, whether it's  
2 north, south, or in between.

3 MODERATOR CHRISTOPHER ROGERS: Well, thank  
4 you all. Let's call it an evening, and then when we  
5 get back tomorrow morning 8:00 a.m. sharp, we'll start  
6 off with Jimmy Donofrio and we'll be talking Bluefin  
7 again.

8 (Whereupon, the foregoing matter was  
9 adjourned to be reconvened on March 23, 2005, at 8:00  
10 a.m.)  
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